

12th Nov. 44

Letter of 18<sup>th</sup> December, 44

12 NOVEMBER 1947

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I N D E X  
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EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1758	3435		Affidavit of ONO, Ryokuichiro		32919
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2678	3439		Affidavit of NISHIURA, Susumu		32946
2734	3440		Article appearing in the "Japan Times and Mail" re Speech made by the Accused MUTO, Akira at the Proceedings of the 4th Joint Session of the 1st, 2nd, 3rd, 4th Committee of Accounts of the House of Repre- sentatives at the 75th Session of the Diet on 19 March 1940		32966
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(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2579-A	3441-A		Letter of Safe Conduct for Bishop Walsh dated 14 October 1941 from MUTO, Akira to all Military and Civil Authorities Concerned		32991
2589	3442		Affidavit of IWAKURO, Hideo		32992
3127		3443	Telegram (Strictly Con- fidential) sent by the Chief of Military Affairs Bureau to Colonel IWAKURO		33010
2686	3444		Affidavit of YAMAMOTO, Kumaichi		33016

1 Wednesday, 12 November 1947

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3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE SIR WILLIAM F.  
15 WEBB, Member from the Commonwealth of Australia and  
16 HONORABLE JUSTICE R. B. PAL, Member from India, not  
17 sitting from 0930 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 (English to Japanese and Japanese  
22 to English interpretation was made by the  
23 Language Section, IMTFE.)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now in session.

3 ACTING PRESIDENT: All the accused are present  
4 except MATSUI, who is represented by counsel. We have  
5 a certificate from the prison surgeon at Sugamo certi-  
6 fying that he is ill and unable to attend the trial  
7 today. This certificate will be recorded and filed.

8 General Vasiliev.

9 GENERAL VASILIEV: The Soviet prosecution has  
10 received by telegraph information from competent  
11 Soviet organs to the effect that TOMINAGA, YANAGITA,  
12 AKIJUSA, USHIROKU, and OTSUBO, the Japanese prisoners  
13 of war now in the USSR who have been called to appear  
14 as witnesses before the International Military Tribunal  
15 in Tokyo, cannot be brought here for the reasons that  
16 TOMINAGA, YANAGITA, AKIKUSA, and USHIROKU are under  
17 investigation on charges of war crimes. and OTSUBO  
18 is an important witness in their case.

19 ACTING PRESIDENT: Thank you.

20 Colonel Woolworth.

21 MR. WOOLWORTH: If the Tribunal please.  
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1 TORASHIRO KAWABE, called as a witness  
2 on behalf of the defense, resumed the stand  
3 and testified through Japanese interpreters  
4 as follows:

5 CROSS-EXAMINATION

6 BY MR. WOOLWORTH (Continued):

7 Q Witness, you stated at the last session of  
8 the Tribunal that you were certain that General MINAMI  
9 knew the number of troops and their disposition in  
10 Manchuria during the time he was commanding general  
11 of the Kwantung Army?

12 A Yes.

13 Q In that connection I desire to invite your  
14 attention to exhibit 2207, which appears at page 15,785  
15 of the record, a part of which, beginning at the third  
16 line of that page, reads as follows:

17 "Q Then did you take command of the Kwantung  
18 Army?

19 "A December, 1934.

20 "Q And you remained in command of that army  
21 for upwards of two years?

22 "A One year and three months.

23 "Q How many troops did you have under your  
24 command in Manchuria at that time?

25 "A About 60,000, I believe."



1           Witness, are you willing to concede now that  
2 you were mistaken in your statement in your affidavit  
3 that there were only 30,000 troops in Manchuria?

4           MR. BROOKS: I object to that question, if  
5 your Honors please, as being repetitious, in that the  
6 witness has already answered it, and he did not state  
7 it was only 30,000. He explained it in his answer.

8           ACTING PRESIDENT: I take it that it is some-  
9 what repetitious, but I understand this is preliminary  
10 to further questioning.

11           Objection overruled.

12 BY MR. WOOLWORTH:

13           Q   If there were 60,000 troops in Manchuria, as  
14 General MINAMI has stated, the Kwantung Army was not  
15 in such a condition at that time as it was inconceiv-  
16 able to concentrate so many troops at one spot, isn't  
17 that so?

18           A   With regard to that, I should like to explain  
19 as follows: When in my affidavit I spoke about the  
20 difficulty of making any concentration of troops, I  
21 was not making any comparison of numerical strength.  
22 Speaking of the numerical strength only, in so far as  
23 I can recall, even though the number of troops under  
24 the command of the commanding general of the Kwantung  
25 Army at that time was 60,000, it was under the circum-



stances at that time extremely difficult even to concentrate combat troops to the extent of even 5,000.

I have already set forth my reasons for so stating in my affidavit, but in pursuance of the very strong desire and fixed policy of the commanding general, General MINAMI, the troops of the Kwantung Army were disbursed in the north and central parts of Manchuria, and in the light of the existing circumstances at that time, a numerical strength of 5,000, which would be approximately half a division, was a difficult thing to concentrate quickly in one spot. That is what I have set forth in my affidavit.

Q But not impossible, however, was it?

A Not impossible if a commanding general made a very decisive decision and took unreasonable measures to try to bring about such a concentration. Furthermore, the commanding general of the Kwantung Army could not have done it unless he abandoned the policy which he had set forth as the commanding general.

Q Who was in command of the North China garrison during the year 1935?

A I think it was Lieutenant General UMEZU, Voshijiro. Towards about the end of the year I think there was a change from General UMEZU to General TADA.

Q Prior to the time of the Ho-UMEZU agreement

1 you don't know what representations he made to the  
2 Chinese authorities then, I take it?

3 MR. BROOKS: I ask the prosecutor to clarify  
4 who "he" is. He has talked about two or three men,  
5 and it could lead to confusion.

6 MR. WOOLWORTH: I was speaking of General  
7 UMEZU.

8 A Yes, you may so understand, because I don't  
9 know.

10 Q You have stated that General MINAMI  
11 gave certain instructions to his men and officers,  
12 particularly in respect to assistance to independent  
13 Manchukuo?

14 A Yes.

15 Q And you are familiar with the fact, and I  
16 believe you so stated, that General MINAMI was against  
17 expansion in China?

18 A I couldn't quite get the meaning of that last  
19 point regarding expansion in China.

20 THE INTERPRETER: Japanese court reporter.

21 (Whereupon, the Japanese court  
22 reporter read.)

23 I can't quite get the meaning with regard to  
24 the matter of non-expansion in China.

25 Q I mean by that he was against going beyond the

1 Great Wall and gaining further territory in China. I  
2 believe you so testified.

3 A Yes.

4 Q You are familiar with General MINAMI's career  
5 from that time when he left command of the Kwantung  
6 Army and became Governor-General of Korea?

7 A Yes, only in bare outline. I cannot speak  
8 with any confidence, however. My reason for so stat-  
9 ing is that after General MINAMI left his post as com-  
10 manding general of the Kwantung Army and I was trans-  
11 ferred as staff officer of the Kwantung Army to other  
12 posts, General MINAMI and I lost contact, and the  
13 various posts to which we were transferred had no rela-  
14 tion one with the other, and therefore my knowledge of  
15 General MINAMI's activities since that time have been  
16 gained only through newspaper reports and such matters.  
17 That is why I am unable to speak with any confidence  
18 on his career.

19 MR. WOOLWORTH: In connection with the poli-  
20 cies of General MINAMI regarding expansion, and so  
21 forth, I desire to invite the Court's attention to ex-  
22 hibit 2437.

23 No further cross-examination.

24 MR. BROOKS: May the witness be excused on  
25 the usual terms?

1                   ACTING PRESIDENT: He is excused on the usual  
2 terms.

3                   (Whereupon, the witness was excused.)  
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1                   ACTING PRESIDENT: He is excused on the usual  
2 terms.

3                   (Whereupon, the witness was excused.)  
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1 MR. BROOKS: Now, in relation to exhibit  
2 2206-A, of which the witness speaks in his affidavit,  
3 I wish to move the Tribunal to strike from the record  
4 or to ignore this document, as it is merely a file of  
5 United States newspaper clippings sent to the Foreign  
6 Ministry by the Japanese Consuls from the United States.

7 I wish this application to be considered for  
8 the following reasons: Upon examination we find that  
9 John Goette and other correspondents named therein  
10 have testified and this document would be repetitious  
11 as to the parts testified to by these witnesses, who  
12 were subject to cross-examination thereon.

13 The witness, in Exhibit 3434, in paragraph 3,  
14 has said that many of these rumors, and so forth, were  
15 false. Therefore, the source may be hearsay, rumors,  
16 or may even be based on propaganda, and we say it is  
17 not the best evidence available, and has no probative  
18 value. There is no certificate regarding truth and  
19 authenticity as to the contents of the documents therein.  
20 We submit that these newspaper cuttings from the United  
21 States are of no more value than the unsupported state-  
22 ment of the prosecution and is not evidence in itself;  
23 that Japanese newspaper articles have been rejected in  
24 most instances although they had more color for  
25 admission for several reasons, as the Court well knows.

1           The prosecution wants to be heard at this  
2 time, too, your Honor.

3           MR. WOOLWORTH: If the Tribunal please, the  
4 exhibit 2206-A was admitted in evidence before this  
5 Tribunal at page 15,769 of the record, without  
6 objection on the part of the defense. My recollection  
7 is that there have been numerous references by several  
8 of the witnesses to these articles and it seems to me  
9 untimely, this objection, and it would appear to set  
10 an evil precedent to go back over the record and remove  
11 evidence already admitted.

12           MR. BROCKS: We submit that this document was  
13 admitted on the usual terms and therefore our objections  
14 would be automatic, and the proper way to reach it is  
15 by motion to strike, after proper investigation. That  
16 is the meaning of "admitted on the usual terms," in our  
17 submission -- that it means that it may be stricken  
18 later, if found not to be proper. Will the Tribunal  
19 take it under advisement?

20           I shall go on--

21           ACTING PRESIDENT: This document has already  
22 been admitted in evidence and it will be considered for  
23 whatever probative value it may have. Any criticism  
24 of it should be made at the time of your summation.  
25

          The motion is denied.

1           The prosecution wants to be heard at this  
2 time, too, your Honor.

3           MR. WOOLWORTH: If the Tribunal please, the  
4 exhibit 2206-A was admitted in evidence before this  
5 Tribunal at page 15,769 of the record, without  
6 objection on the part of the defense. My recollection  
7 is that there have been numerous references by several  
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10 an evil precedent to go back over the record and remove  
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15 by motion to strike, after proper investigation. That  
16 is the meaning of "admitted on the usual terms," in our  
17 submission -- that it means that it may be stricken  
18 later, if found not to be proper. Will the Tribunal  
19 take it under advisement?

20           I shall go on--

21           ACTING PRESIDENT: This document has already  
22 been admitted in evidence and it will be considered for  
23 whatever probative value it may have. Any criticism  
24 of it should be made at the time of your summation.  
25

          The motion is denied.

1 MR. BROOKS: I do not wish to reopen that  
2 question, your Honor, but I would like to have an  
3 understanding from the Tribunal, if they feel free  
4 to give it to us, of what is meant, then, by the  
5 statement "admitted on the usual terms," because I  
6 thought we had that very clear on the record.

7 We will go to 28, Language Section.

8 At this time I present for identification  
9 the Year Book of Japanese Diplomacy, 1943 Edition.

10 I now offer in evidence defense document 1785,  
11 an excerpt from the aforesaid Year Book. This excerpt  
12 presents very concisely various facts concerning the  
13 international relations of Manchukuo prior to 1941  
14 that affected MINAMI's action and were taken into  
15 consideration by him. This evidence is offered to  
16 substantiate MINAMI's testimony as to his bona fides  
17 in acting as ambassador to Manchukuo (court record  
18 pages 19,791 - 19,792.) Before his appointment as  
19 ambassador in December 1934, the independence of Man-  
20 chukuo was an established fact. During his tenure of  
21 office and subsequent thereto a great increase was made  
22 in the number of foreign countries which recognized  
23 that state either de jure or de facto.

24 This evidence was part of the basis for MINAMI's  
25 honest and sincere belief that it was proper to accept



1 this duty, entrusted by the Japanese Government, to  
2 assist as an ambassador in the enhancement of Manchukuo's  
3 status in the family of nations. It is submitted,  
4 therefore, that the document is more material and  
5 relevant to MINAMI's individual case than to the  
6 general phase.

7 I wish only to read the exhibit from the  
8 fifth line of page 2, commencing with the words "Of  
9 the countries other than Japan" to the end.

10 MR. WOOLWORTH: If the Tribunal please,  
11 document 1785 is not an official document, has no  
12 standing as such, it was published in 1943 -- long  
13 after the period under consideration, it is nothing but  
14 propaganda in its rawest form. The prosecution objects  
15 to the introduction of this offensive document. If  
16 admissible at all, this document might possibly have  
17 had a place in the general phase.

18 MR. BROOKS: I think that in my foreword--

19 MR. WOOLWORTH: If the Tribunal please, the  
20 rule is, as I understand it, one argument.

21 MR. BROOKS: I haven't argued any yet, but I  
22 was going to say that in my foreword to it I think I  
23 have covered sufficiently the reasons for it, and now  
24 leave it to the judgment of the Tribunal; and I might  
25 further add that I think that the matters I intended



1 to read are of such a nature that this Court might even  
2 take judicial knowledge of the fact that these countries  
3 were represented, as set out therein.

4 ACTING PRESIDENT: I may say, as to your  
5 introduction, that the Court feels it is unnecessarily  
6 long.

7 As to the objection, the objection is sustained  
8 by a majority vote.

9 MR. BROOKS: I hope the Court does consider  
10 that I did not make an opening statement and there have  
11 only been about two instances when I have felt it  
12 necessary to explain the necessity for a document.

13 Now the defense would like to call ONO,  
14 Rokuichiro as the next witness.

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1 R O K U I C H I R O O N O, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. BROOKS:

7 Q State your name and address.

8 A My name is ONO, Rokuichiro. My present  
9 address, No. 2831 Kichijoji.

10 MR. BROOKS: May defense document 1758 (revised)  
11 be shown to the witness?

12 (Whereupon, a document was handed  
13 to the witness.)

14 Q Is that your affidavit?

15 A Yes.

16 Q Are the contents thereof true and correct?

17 A Yes.

18 I offer in evidence defense document 1758.

19 ACTING PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1758  
21 will receive exhibit No. 3435.

22 (Whereupon, the document above referred  
23 to was marked defense exhibit No. 3435 and  
24 received in evidence.)  
25

MR. BROOKS: I shall read exhibit 3435 from

1 paragraph 2:

2 "2. On August 5, 1946, I was appointed to the  
3 post of Director-General for Political Affairs of the  
4 Government-General of Korea which I held until May 29,  
5 1942. During my tenure of office, the Governor-General  
6 of Korea was MINAMI, Jiro.

7 "3. The Governor-General of Korea was merely  
8 a civilian and was not entitled to deal with military  
9 affairs. Military affairs in Korea were within the  
10 competence of the Commander of the Korea Army who was  
11 directly under the control of the Emperor and did not  
12 come under the jurisdiction of the Governor-General.

13 "4. Matters relating to prisoners of war was  
14 under the jurisdiction of the Army, so while MINAMI  
15 and I were in office, the Government-General never  
16 concerned itself with such matters. According to  
17 exhibit No. 1973 (dated March 1st, 1942), there are words  
18 to the effect that the Government-General and the Army  
19 were both strongly desirous of internment of prisoners of  
20 war in Korea, but there was no such case on the part  
21 of the Government-General. As a matter of fact, all I  
22 remember is that the Korean Army requested us to find  
23 some accommodation for prisoners of war, if they were  
24 brought to Korea. The Government-General had no con-  
25 cern with the purpose why prisoners of war would be

1 brought to Korea. Soon after, in May 1942, MINAMI  
2 and I resigned and both returned to Tokyo. Hence, I  
3 do not know whether prisoners of war were interned in  
4 Korea or how was the condition of their treatment."

5 You may cross-examine.

6 MR. WOOLWORTH: No cross-examination.

7 MR. BROOKS: May the witness be released on the  
8 usual terms?

9 ACTING PRESIDENT: He will be released  
10 accordingly.

11 (Whereupon, the witness was excused.)

12 MR. BROOKS: There will be no cross-examination  
13 by the prosecution of the next witness so I will not  
14 call MITARAI, Tatsuo but offer his affidavit in  
15 evidence, defense document 2013.

16 ACTING PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document 2013  
18 will receive exhibit No. 3436.

19 (Whereupon, the document above re-  
20 ferred to was marked defense exhibit No. 3436  
21 and received in evidence.)

22 MR. BROOKS: I shall read exhibit 3436 from  
23 paragraph 1:

24 "I, MITARAI, Tatsuo, being duly sworn in  
25



1 accordance with the procedure followed in our country,  
2 do hereby depose and say as follows:

3 "1. I was born in Oita prefecture in 1894.  
4 My present address is at Shiota, Tokai-mura, Isumi-  
5 Gun, Chiba prefecture. Since 1917 I have been connected  
6 with various newspapers, specially as critic of Japanese  
7 political circles. As I came from the same prefecture  
8 as MINAMI, Jiro, I have known him intimately for 20  
9 years. I was called into constant consultation with  
10 him in early March, 1945, when he was asked to assume  
11 the presidency of the Political Society of Great Japan  
12 (usually called the Japan Political Society). After  
13 his appointment as president, I became his secretary  
14 and took part in important affairs of the Society.

15 "2. The creation of the Japan Political  
16 Society was first of all promoted by a committee of  
17 influential citizens at that time, such as KANEMITSU,  
18 Tsuneco, YAMAZAKI, Tetsunosuke, OMA, Tadao, GODO, Taku  
19 and others, who pressed upon MINAMI and myself the  
20 urgent need of such creation to the following effect:

21 "Although the Imperial Rule Assistance  
22 Association (I.R.A.A.) made its appearance advocating  
23 a new political structure of national unity, its  
24 character had been so frequently changed that after all  
25 it became a more auxiliary administrative organ of the



government. The Imperial Rule Assistance Political Association (I.R.A.P.A.), on the other hand, mainly consisting of members of both Houses, was crippled as a political party, because it ignored the means and method of being in touch with the general public. Such a situation, coupled with the unfavorable aspects of the war, brought forth severe discontent and grave misgivings among citizens as well as political circles. Hence, our immediate attention had to be given to the creation of a political party which would truly act for the people and be managed by the people.'

"As a matter of fact, this was the line of policy which governed the activities of the Japan Political Society after MINAMI accepted the presidency:

"3. The distinct features of the Japan Political Society, as different from I.R.A.A. or I.R.A.P.A. may be summarized as follows:

"(a) Either at the time of or after its creation, the Society had no connection whatever with the Government. As the Society did not cater to the wishes of bureaucrats and militarists, it encountered many obstacles and interferences from such quarters, especially in the case of forming chapters in prefectures;

"(b) In accordance with policy above mentioned, the Society put its main strength to the direct contact

1 with the people. Within 3 months after its birth,  
2 chapters were established in 35 prefectures, members  
3 whereof amounting to at least more than 500,000, al-  
4 though definite figures cannot be given on account of  
5 the destruction of records by air raids.

6       "(c) The Society never received a cent of  
7 financial aid from the Government, all expenses being  
8 defrayed by contributions of members. Furthermore,  
9 contrary to the initial plan that the head office  
10 should subsidize chapters, not only every one of them  
11 dispensed with such proposition, but many, e.g., Ishikawa  
12 and other prefectures, offered donations to the head  
13 office.

14       "4. Under the circumstances above mentioned,  
15 it may seem curious that a retired general should be  
16 installed as president. However, the members of the  
17 said committee who approached MINAMI with the offer of  
18 presidency, thought that the purpose of creating the  
19 Japan Political Society could be carried out only by  
20 a person whose popularity and ability would enable him  
21 to take an equal stand vis-a-vis the governmental and  
22 military authorities, and MINAMI because of his past  
23 record was thought to be the very man for such a post.  
24 On the other hand, I knew very well his pet theory that  
25 no military man should participate in politics. and also

1 the fact that he declined the recommendation to the  
2 presidency of I.R.A.P.A. in the previous year when  
3 General ABE, Nobuyuki, retired therefrom. In the case  
4 of the Japanese Political Society, however, the said  
5 committee took every possible means to persuade MINAMI,  
6 notwithstanding repeated refusals on his part and of  
7 those close to him, including myself, and finally  
8 succeeded in obtaining his agreement on the strength  
9 of the good offices of SUZUKI, Kantaro, who was then  
10 President of the Privy Council and his most intimate  
11 friend. Thus, he was nominated President of the Japan  
12 Political Society at its inauguration on March 30th,  
13 1945.

14 "Four months later, on August 9th, MINAMI met  
15 the aforesaid SUZUKI, then Premier, and advised him to  
16 accept the terms of the Potsdam Declaration. Henceforth,  
17 MINAMI and Society strived hard to unite public opinion  
18 and, upon the surrender of Japan, he resigned and the  
19 society dissolved itself."

20 The defense would like to call MURATA,  
21 Yechiho as the last witness.  
22  
23  
24  
25

1 Y A C H I H O M U R A T A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. BROOKS:

7 Q State your name and address.

8 A My name is MURATA, Yachiho. My address:  
9 No. 145 Kitzawa, 2-chome, Setagaya-ku, Tokyo.

10 MR. BROOKS: May defense document 1761 (revised)  
11 be shown to the witness?

12 (Whereupon, a document was handed to  
13 the witness.)

14 Q Is that your affidavit?

15 A Yes.

16 Q Are the contents thereof true and correct?

17 A Yes.

18 MR. BROOKS: I offer in evidence defense docu-  
19 ment 1761.

20 ACTING PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1761 will  
22 receive exhibit No. 3437.

23 (Whereupon, the document above re-  
24 ferred to was marked defense exhibit No. 3437  
25 and received in evidence.)



1 MR. BROOKS: I shall read exhibit 3437 from  
2 paragraph 1:

3 "1. I, MURATA, Yachiho, is the Chief of In-  
4 vestigation Section of the Board of Decorations.

5 "2. Being shown the Record of Offices held  
6 by MINAMI, Jiro (a document brought by counsel KONDO  
7 and referred to as exhibit No. 117), I find at line 10,  
8 page 6 of its English version the following words:  
9 'Feb. 9 -- appointed Councillor (Zitaikan) (Cabinet)'.  
10 By comparing with the Japanese original, the correspond-  
11 ing Japanese word in parenthesis should be 'Gijokan,'  
12 meaning that kind of councillor of the Board of Decor-  
13 ations, as explained below.

14 "3. The duty of a Gijokan is to confer and  
15 agree upon the propriety with regard to investiture  
16 or divestiture of orders of merit, decorations and  
17 pensions in accordance with the Regulations concerning  
18 the Council of Decorations (Imperial Ordinance No. 117  
19 of Oct. 31st, 1893). Please refer to my other deposi-  
20 tion (exhibit No. 3147, Court Record page 28,029).

21 "The council is conducted under the supervision  
22 of the President of the Board of Decorations, by circu-  
23 lating a writing among the Councillors whenever a case  
24 arises for investing or divesting orders of merit,  
25 decorations and pensions. It is, therefore, outside

1 the scope of their duty to participate in political or  
2 military affairs, and in fact they have nothing what-  
3 soever to do with such affairs.

4 "4. This kind of councillor is appointed by  
5 the Emperor, but entirely different from Naikau-Sangi  
6 and Naikaku-Komon, the words which are usually trans-  
7 lated in English as 'Cabinet Councillor'.

8 "Being shown a document referred to as IPS  
9 document No. 0001 (brought by Counsel KONDO), I find  
10 at page 21 the following words: 'On 9 February MINAMI  
11 became a Cabinet Councillor,' and at page 331 the  
12 following words: '(also Cabinet Councillor) (9 Feb.  
13 1933-- 10 Dec. 1934)'. It seems to me that such  
14 statements are mistaken, in view of the record of my  
15 Board, which registers the fact that MINAMI served as  
16 a Gijokan from February 9th, 1934, to the beginning  
17 of 1936.

18 "5. The said IPS document No. 0001, at  
19 page 331, describes MINAMI as having been 'decorated'  
20 on April 29th, 1940, for services in China Affairs.  
21 According to the record of my Board, no decoration was  
22 awarded to him on that date, except a pair of silver  
23 cups (small ones for sake)."

24 You may cross-examine.

25 MR. WOOLWORTH: No cross-examination.

1 MR. BROOKS: May the witness be released on  
2 the usual terms?

3 ACTING PRESIDENT: He is excused accordingly.

4 (Whereupon, the witness was excused.)  
5

6 MR. BROOKS: This will conclude the presenta-  
7 tion of evidence for MINAMI for the time being. I  
8 understand that the matters taken on commission the other  
9 day will not be ready until tomorrow or later.

10 The next counsel will proceed.  
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1           ACTING PRESIDENT: Mr. Cole.

2           MR. COLE: May it please the Tribunal, I  
3 should like to outline briefly the evidence which will  
4 be offered in the personal defense of the accused  
5 MUTO, Akira.

6           In this outline I will treat the evidence  
7 offered by the prosecution, to the contradiction and  
8 disproof of which our own evidence will be directed,  
9 in four general periods--

10          ACTING PRESIDENT: Is this your opening  
11 statement?

12          MR. COLE: Yes, sir.

13          ACTING PRESIDENT: Wait until we get it dis-  
14 tributed.

15                   (Whereupon, the document was distributed.)

16          MR. COLE: May I proceed now, sir?

17          ACTING PRESIDENT: You may proceed.

18          MR. COLE: May it please the Tribunal, I  
19 should like to outline briefly the evidence which will  
20 be offered in the personal defense of the accused  
21 MUTO, Akira.

22           In this outline I will treat the evidence  
23 offered by the prosecution, to the contradiction and  
24 disproof of which our own evidence will be directed,  
25 in four general periods: (1) The accused's position



1 and activity during the China Incident; (2) His tenure  
2 as Chief of the Military Affairs Bureau, toward which  
3 most of the prosecution's evidence was directed; (3)  
4 The period of time, covering the largest part of the  
5 war, in which he was a Division Commander in Sumatra;  
6 and (4) His service as Chief of Staff to General  
7 YAMASHITA in the Philippines.

8 May I say at the outset that the accused MUTO  
9 will take the stand in his own behalf, in a statement  
10 which fully covers and denies such evidence as had  
11 been offered against him.

12 As to the accused's activities and authority  
13 during the whole period of the Manchurian and China  
14 Incidents, evidence already in the record, to which  
15 the Tribunal's attention is respectfully directed,  
16 discloses that he held minor positions, he having been  
17 an officer of the line-of-communications section of the  
18 General Staff and later a section chief therein. The  
19 only testimony to be offered regarding this period,  
20 aside from the accused's own full comment, will be an  
21 affidavit by British Major-General Piggott, who speaks  
22 of MUTO as strictly a military man, and praises his  
23 efforts in the settling of a difficult problem. Fur-  
24 ther evidence, already in the record, shows that at  
25 the time of the Nanking Incident he was merely a

1 Vice-Chief of Staff, completely without command respon-  
2 sibility.

3 In the testimony to be offered relative to  
4 the accused's tenure as Chief of the Military Affairs  
5 Bureau we put the greatest emphasis. As to this  
6 period the prosecution has relied most heavily upon  
7 the testimony of TANAKA, Ryukichi, who testified that  
8 General MUTO exercised tremendous power as head of  
9 that bureau. However, we propose to show that that  
10 statement is untrue; that the chiefs of all bureaus  
11 were equal in power and authority, and that this ac-  
12 cused was on the same basis as all other such chiefs.

13 TANAKA also testified that the Military Af-  
14 fairs Bureau had a strong policy for concluding the  
15 Tri-Partite Pact between Japan, Italy and Germany from  
16 the time of the ABE Cabinet. We propose to prove that  
17 this is untrue by a witness who at that time was chief  
18 of a section in the Military Affairs Bureau. Further  
19 statements by TANAKA asserted that this accused, at a  
20 meeting of Bureau Chiefs before the outbreak of war,  
21 read a draft entitled, "Principal reasons alleged for  
22 the commencement of hostilities against the United  
23 States of America and Britain", that he expressed also  
24 his personal opinions, and that he said that the des-  
25 patch of Ambassador KURUSU and the Tatsuta-Maru was

1 nothing more than camouflage. We will offer testimony  
2 to show that these statements are utterly false; and will  
3 offer a witness who was present at the meeting in ques-  
4 tion.

5 General MUTO will be shown to have had no  
6 right whatsoever to decide important policy matters;  
7 that he did not decide such matters; and that he acted  
8 only as a staff member of the War Minister, carrying  
9 out the duties which were assigned to him. In this  
10 respect we will offer the affidavit of Colonel  
11 NISHIURA who served in the Military Affairs Bureau  
12 for a long period, and was an authority on the func-  
13 tions and operation of that bureau, as well as being  
14 well acquainted with the activities of this accused.

15 We respectfully call the Tribunal's attention  
16 particularly to the evidence we offer with regard to  
17 General MUTO's constant and whole-hearted efforts to-  
18 ward a happy conclusion of the negotiations between the  
19 United States and Japan. Those efforts were unceasing,  
20 and so ardent that he was at one time in danger of being  
21 assassinated by those vicious factions which opposed the  
22 negotiations. Even TANAKA, Ryukichi, could not deny  
23 that during this period the accused MUTO was given a  
24 special guard of military police. We propose to show  
25 that there was no improper motive on the part of the

1 accused in his attempt to get from the Navy a declara-  
2 tion of an anti-war attitude on their part immediately  
3 prior to the resignation of the Third KONOYE Cabinet.  
4 Far from being an improper motive it was exactly the  
5 opposite; an attempt to get the backing needed by  
6 the War Ministry to combat the attitude of the General  
7 Staff. In this regard we will offer considerable tes-  
8 timony to clarify General MUTO's hopes and labors for  
9 a complete avoidance of war, including the affidavit  
10 of Bishop James Edward Walsh of Maryknoll, who himself  
11 took an active and ardent part in the efforts to bring  
12 about a successful solution of the difficulties be-  
13 tween the United States and Japan.

14 Nevertheless, in spite of the sincere efforts  
15 of many persons, including this accused, for an avoid-  
16 ance of war, war came. The prosecution appears to  
17 contend that if the accused MUTO were really opposed  
18 to war he could have and should have resigned; and  
19 that his remaining in the post with the Military Af-  
20 fairs Bureau is sufficient evidence of his agreement  
21 to opening the war. This, we contend, is a position  
22 which no professional military man in any country  
23 could appreciate, and resignation was peculiarly and  
24 traditionally impossible in the Japanese army. We pro-  
25 pose to show that resignation was virtually impossible,



1 except in circumstances of incapacity. Further, as  
2 has already been shown in the testimony of NOLA, Kengo,  
3 former chief of the Personnel Bureau of the War Min-  
4 istry, and will be further clarified, General MUTO  
5 tried to obtain a transfer from the Military Affairs  
6 Bureau in the fall of 1941.

7           It is our contention that all the above mat-  
8 ters constitute most illuminating proof of his sin-  
9 cerity regarding the American-Japanese negotiations  
10 which were then fast deteriorating. However, he was  
11 not released from that post until a short time after war  
12 broke out. Matters regarding resignation or transfer  
13 will be clarified by a witness who was a member of the  
14 Personnel Bureau of the War Ministry during the war  
15 and now is chief of the Personnel Section of the First  
16 Demobilization Bureau.

17           In a most important period, almost immediately  
18 after the outbreak of war, the accused MUTO was or-  
19 dered to make an inspection trip in the south. On  
20 returning from this trip he was immediately advised of  
21 his transfer to Sumatra as Commander of the Imperial  
22 Guard Division. He thereupon started immediate pre-  
23 parations for the change, without having time to deal  
24 further with matters in the Military Affairs Bureau.  
25 The Imperial Guard Division which he commanded in

1 Sumatra will be shown to have been the most exemplary  
2 and well-disciplined in the Japanese Army, and no  
3 trouble took place during his term as division com-  
4 mander. The administration of prisoners of war and  
5 civilian internees was outside the scope of his juris-  
6 diction, as will be conclusively shown; nor did he ever  
7 employ the labor of such persons. This will be made  
8 abundantly clear through the testimony of the witness  
9 OHIRA, who was General MUTO's chief of staff in Sumatra.

10           Immediately after the American attack on the  
11 Philippine island of Leyte, this accused went to the  
12 Philippines as chief of staff to General YAMASHITA.  
13 This was in October 1944 and was his last military  
14 assignment. The Army General Staff and the Southern  
15 General Army decided to counter-attack the American  
16 forces on Leyte at all costs. This change of plans  
17 brought extreme difficulties to YAMASHITA in his pro-  
18 posed defense of Luzon. Consequently, after having  
19 been required to despatch large parts of his personnel  
20 and material to Leyte, he was faced with the necessity  
21 of opposing the triumphant and overwhelmingly superior  
22 American forces on Luzon. General MUTO took every  
23 possible step to assist YAMASHITA in the prevention of  
24 improper incidents. The efforts then taken in this  
25 direction are well illustrated by the decision on the

1 part of the Japanese army to quit the City of Manila,  
2 which decision was made when it became clearly impos-  
3 sible to make it an open city, as the result of care-  
4 ful study. However, the American forces, far superior  
5 in equipment, transport and fire-power, proceeded with  
6 amazing speed, and cut the Japanese forces into small  
7 segments. The Japanese forces were thus almost com-  
8 pletely isolated from each other, and the command organ-  
9 ization of YAMASHITA was destroyed. Proper command  
10 became literally impossible.

11 The alleged atrocities were committed without  
12 the slightest knowledge or approval of either YAMASHITA  
13 or this accused by troops which were outside YAMASHITA's  
14 power to command. MUTO was not in a position to suppress  
15 them, although he did all that could be done. This  
16 point has already been testified to by KOBAYASHI, Shu-  
17 jiro, and other witnesses in the general phases. We  
18 will offer in support of our contention another wit-  
19 ness who was a member of the Japanese staff in the  
20 Philippines. Moreover, testimony as to the chaotic  
21 and impossible conditions at that time will be shown  
22 from the Biennial Report of General Marshall. This  
23 report shows conclusively that the accused MUTO could  
24 not possibly have prevented the events in Manila.  
25

We will present a few documents to clarify

1 points which are in dispute, particularly with regard  
2 to the matter of resignation and transfer of Japanese  
3 army officers. Lastly, the accused himself will  
4 take the stand and cover fully the matters charged  
5 against him.

6 Language Section, this next item is not  
7 included in your material.

8 I should like to make a further brief state-  
9 ment. Due to a misunderstanding within my own office,  
10 and a consequent oversight, a certificate of non-  
11 availability regarding certain documents referred to  
12 in our general evidence was not prepared for timely  
13 service. It has been prepared, however, and is now  
14 in process of stenciling and distribution as defense  
15 document 2860. Other such certificates have been  
16 placed at the end of our order of proof.

17 I respectfully request the permission of the  
18 Tribunal to add the certificate in question at the  
19 end of our order of proof rather than placing it after  
20 the reading of the first affidavit to which it has  
21 reference.  
22

23 I am prepared at this time to list the docu-  
24 ments which this certificate covers. However, it might  
25 be more practicable merely to refer to it at the time  
of reading the affidavit to which it applies.



1 I understand, if the Tribunal please, that  
2 there is no objection to this procedure from the prose-  
3 cution.

4 ACTING PRESIDENT: Under those circumstances,  
5 you may proceed as requested.

6 MR. COLE: Thank you, sir.

7 ACTING PRESIDENT: I think at this time we  
8 will recess for fifteen minutes.

9 (Whereupon, at 1045, a recess was  
10 taken until 1100, after which the proceed-  
11 ings were resumed as follows:)  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Cole.

4 MR. COLE: I offer in evidence the sworn  
5 deposition of Major General Piggott, defense document  
6 No. 2533. Aside from the full statement of the ac-  
7 cused, this is the only evidence to be offered re-  
8 garding General MUTO's period in China. It describes  
9 his efforts in settling difficulties in Shanghai and  
10 Tientsin, from the personal observation of General  
11 Piggott.

12 May I add, sir, that I agree to have the  
13 last sentence of the affidavit stricken as being  
14 character evidence.

15 MR. LOPEZ: If the Tribunal please --

16 ACTING PRESIDENT: Mr. Lopez.

17 MR. LOPEZ: The last clause of the last  
18 sentence of the second paragraph, beginning with the  
19 words, "... and was instrumental," is objected to  
20 as being a conclusion of the witness. Likewise, the  
21 last clause of the last sentence of the third para-  
22 graph having reference to the London Times, beginning  
23 with the words, "... and an account," is objected to  
24 as offending the rule of the Court that if reference is  
25 made to a document that the document itself be attached

to the affidavit.

1           ACTING PRESIDENT: Is that not the sentence  
2 that the defense has agreed be withdrawn?

3           MR. LOPEZ: It is -- the sentence withdrawn  
4 by the defense, your Honor, refers to the last  
5 sentence; the last paragraph, too.

6           MR. COLE: As to the first objection,  
7 your Honor, pertaining to the last half of the last  
8 sentence in paragraph two, it is true that General  
9 Piggott might very well have detailed at great length  
10 those particular things which were done by General  
11 MUTO.

12           ACTING PRESIDENT: By a majority vote the  
13 objection is overruled.

14           CLERK OF THE COURT: Defense document  
15 2533 will receive exhibit No. 3438.

16           (Whereupon, the document above  
17 referred to was marked defense exhibit  
18 No. 3438 and received in evidence.)

19           MR. COLE: I will read exhibit 3438, omitting  
20 the last sentence.

21           "I, Major General Francis Steward Gilderoy  
22 Piggott, C. B., D. S. O., Colonel Commandant, Royal  
23 Engineers, of Rapaley, Ewhurst, in the County of  
24 Surrey, England, having been first duly sworn, make  
25

oath and say:

1           "I first met General MUTO (Akira) in Shang-  
2           hai in 1938, where I had been sent from Tokyo at the  
3           request of the British Ambassador to China and with  
4           the concurrence of the British and Japanese Govern-  
5           ments, to settle certain questions which had arisen  
6           to the prejudice of good relations between the  
7           British and Japanese authorities in Shanghai. He was  
8           then serving on the staff of General HATA, the  
9           Commander-in-Chief, and was instrumental, under  
10          General HATA's orders, in effecting a noticeable  
11          improvement in Anglo-Japanese relations in that area.

12                 "Later, in the summer of 1939, he was head  
13                 of the Japanese Army Delegation from North China,  
14                 which came to Tokyo to take part in the conference  
15                 assembled to discuss, and settle if possible, the  
16                 Tientsin crisis. Although the military authorities  
17                 had been overruled as regards the site of the con-  
18                 ference -- they wished it to be held in Tientsin,  
19                 but the Prime Minister (Baron HIRANUMA) had insisted  
20                 on Tokyo -- they accepted the situation and did their  
21                 best to make the conference a success. General MUTO  
22                 frequently explained to me the army's point of view,  
23                 namely, that their business was with the security of  
24                 their troops, and that the economic questions at the  
25

oath and say:

1 "I first met General MUTO (Akira) in Shang-  
2 hai in 1938, where I had been sent from Tokyo at the  
3 request of the British Ambassador to China and with  
4 the concurrence of the British and Japanese Govern-  
5 ments, to settle certain questions which had arisen  
6 to the prejudice of good relations between the  
7 British and Japanese authorities in Shanghai. He was  
8 then serving on the staff of General HATA, the  
9 Commander-in-Chief, and was instrumental, under  
10 General HATA's orders, in effecting a noticeable  
11 improvement in Anglo-Japanese relations in that area.  
12

13 "Later, in the summer of 1939, he was head  
14 of the Japanese Army Delegation from North China,  
15 which came to Tokyo to take part in the conference  
16 assembled to discuss, and settle if possible, the  
17 Tientsin crisis. Although the military authorities  
18 had been overruled as regards the site of the con-  
19 ference -- they wished it to be held in Tientsin,  
20 but the Prime Minister (Baron HIRANUMA) had insisted  
21 on Tokyo -- they accepted the situation and did their  
22 best to make the conference a success. General MUTO  
23 frequently explained to me the army's point of view,  
24 namely, that their business was with the security of  
25 their troops, and that the economic questions at the



1 conference concerned this security; he was anxious  
2 to get back to his military duties as soon as possible,  
3 and for this reason desired to see a speedy and suc-  
4 cessful outcome. I reported his attitude to the  
5 British Ambassador, and an account of my farewell in-  
6 terview with General MUTO, in which he expressed his  
7 'good wishes for the success of the conference,'  
8 appeared in the London Times about August 14, 1939."

9 The prosecution has offered a considerable  
10 amount of evidence in regard to the Military Affairs  
11 Bureau and the accused's duties and powers therein.  
12 As was pointed out in our motion to dismiss, a great  
13 part of this evidence was garbled and confused, and  
14 we therefore propose to offer at this point testimony  
15 which will render clear and complete the work of the  
16 Military Affairs Bureau and its relationship to  
17 Imperial General Headquarters.

18 I call the witness, NISHIURA, Susumu.  
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1 S U S U M U N I S H I U R A, recalled as a witness  
2 on behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

## DIRECT EXAMINATION

5  
6 BY MR. COLE:

7 Q Mr. Witness, will you state your name and  
8 address?

9 A My name is NISHIURA, Susumu; my address,  
10 560, Ome, Ome-cho, Nishitama-gun, Tokyo.

11 MR. COLE: I ask that the witness be shown  
12 defense document 2678.

13 (Whereupon, a document was handed  
14 to the witness.)

15 Q Mr. Witness, is that your affidavit signed  
16 and sworn to by you?

17 A Yes.

18 Q And are all the matters stated therein true  
19 and correct, to the best of your knowledge and belief?

20 A Yes.

21 MR. COLE: If the Court please, I offer in  
22 evidence defense document 2678.

23 ACTING PRESIDENT: Mr. Lopez.

24 MR. LOPEZ: If the Tribunal please, objection  
25 to the admission of this affidavit on the ground that

1 S U S U M U N I S H I U R A, recalled as a witness  
2 on behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

## DIRECT EXAMINATION

5  
6 BY MR. COLE:

7 Q Mr. Witness, will you state your name and  
8 address?

9 A My name is NISHIURA, Susumu; my address,  
10 560, Ome, Ome-cho, Nishitama-gun, Tokyo.

11 MR. COLE: I ask that the witness be shown  
12 defense document 2678.

13 (Whereupon, a document was handed  
14 to the witness.)

15 Q Mr. Witness, is that your affidavit signed  
16 and sworn to by you?

17 A Yes.

18 Q And are all the matters stated therein true  
19 and correct, to the best of your knowledge and belief?

20 A Yes.

21 MR. COLE: If the Court please, I offer in  
22 evidence defense document 2678.

23 ACTING PRESIDENT: Mr. Lopez.

24 MR. LOPEZ: If the Tribunal please, objection  
25 to the admission of this affidavit on the ground that

1 the best evidence on the duties, authority, and  
2 functions of the Director of the Military Affairs  
3 Bureau are the laws and regulations themselves. In  
4 the whole affidavit there is not one single reference  
5 made, specifically made to the defendant MUTO, but  
6 only to the office of the Military Affairs Bureau of  
7 the War Ministry. The defendant KOISO, like MUTO,  
8 also held the office of Chief of the Military Affairs  
9 Bureau. Hence we urge that this evidence should have  
10 been presented in the general phase.

11 ACTING PRESIDENT: Mr. Cole.

12 MR. COLE: If the Tribunal please, as to  
13 the fact, or the statement rather that this affidavit  
14 does not include the best evidence, that is a position  
15 certainly contrary and opposite to the position which  
16 the prosecution took in discussing the same matter.  
17 The prosecution presented a good deal of evidence  
18 by live witnesses as to the operations of the Military  
19 Affairs Bureau. That testimony left the real func-  
20 tions, the real operation of the Military Affairs  
21 Bureau in a confused state. We propose by the use of  
22 this affidavit to clear up that confusion.

23 As for the objection that there is no  
24 reference to the accused MUTO, we contend that that  
25 does not invalidate the affidavit. Our only point in

1 this affidavit is to render more clear the actual  
2 operation rather than the strict rules and regula-  
3 tions of the Military Affairs Bureau.  
4

5 ACTING PRESIDENT: By a majority the objec-  
6 tion is overruled and the affidavit admitted.

7 CLERK OF THE COURT: Defense document 2678  
8 will receive exhibit No. 3439.

9 (Whereupon, the document above  
10 referred to was marked defense exhibit  
11 No. 3439 and received in evidence.)  
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1 this affidavit is to render more clear the actual  
2 operation rather than the strict rules and regula-  
3 tions of the Military Affairs Bureau.  
4

5 ACTING PRESIDENT: By a majority the objec-  
6 tion is overruled and the affidavit admitted.

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1 MR. COLE: I will read exhibit 3439, omitting  
2 the introduction.

3 "I was a colonel at the termination of the  
4 war; I was graduated from the Military College in  
5 1930, was in the service of the Military Administration  
6 Section of the Military Affairs Bureau of the War  
7 Ministry almost continuously, except for about three  
8 years, from October, 1931, immediately after the out-  
9 break of the Manchurian Incident, to December, 1944,  
10 shortly before the termination of the Pacific War and  
11 worked as the Officer-in-Charge of Estimate and Orga-  
12 nization Affairs, Senior Section Adjutant and chief  
13 of the section. While I was in the service I was  
14 engaged in the study of revisions of the War Ministry  
15 organization. Thus I am one of those most conversant  
16 with the system and organization of the army, and in  
17 the practical operational aspects of the War Ministry  
18 organization.

19 "The duties and authorized limits of authority  
20 of the Military Affairs Bureau and its director will  
21 be described. During my tenure, no director ever  
22 deviated from the authorized limits of that position.

23 "I. The duties and authority of the Director  
24 of the Military Affairs Bureau. - - -

25 "The main subdivisions of the Military Affairs

1 MR. COLE: I will read exhibit 3439, omitting  
2 the introduction.

3 "I was a colonel at the termination of the  
4 war; I was graduated from the Military College in  
5 1930, was in the service of the Military Administration  
6 Section of the Military Affairs Bureau of the War  
7 Ministry almost continuously, except for about three  
8 years, from October, 1931, immediately after the out-  
9 break of the Manchurian Incident, to December, 1944,  
10 shortly before the termination of the Pacific War and  
11 worked as the Officer-in-Charge of Estimate and Orga-  
12 nization Affairs, Senior Section Adjutant and chief  
13 of the section. While I was in the service I was  
14 engaged in the study of revisions of the War Ministry  
15 organization. Thus I am one of those most conversant  
16 with the system and organization of the army, and in  
17 the practical operational aspects of the War Ministry  
18 organization.

19 "The duties and authorized limits of authority  
20 of the Military Affairs Bureau and its director will  
21 be described. During my tenure, no director ever  
22 deviated from the authorized limits of that position.

23 "I. The duties and authority of the Director  
24 of the Military Affairs Bureau. - - -

25 "The main subdivisions of the Military Affairs

1 Bureau were the Military Administration Section and the  
2 Military Affairs Section. In addition, there was  
3 the Press Section of the War Ministry. Originally  
4 there were six bureaus in the War Ministry: Personnel  
5 Affairs, Military Affairs, Ordnance, Intendance, Medical  
6 Affairs, and Judicial Affairs. In 1926 the Equipment  
7 Bureau was established, and it took care of personnel  
8 and material mobilization.

9 "In 1936 the Military Service Bureau was  
10 established and made a separate bureau. Only the busi-  
11 ness formerly handled by the Military Administration  
12 Section remained under the charge of the Military Affairs  
13 Bureau, and was divided into the Military Administration  
14 Section and the Military Affairs Section; the other  
15 matters were transferred to the Military Service Bureau.  
16 Such matters included morale and discipline, M.P.  
17 duties, anti-aircraft defense, counter-espionage,  
18 military drill, etc. These matters were entirely apart  
19 from the Military Affairs Bureau from that time on.

20 "In 1937 also the Intelligence Division of  
21 the War Ministry became one body with the Information  
22 Section of the Imperial Headquarters and was there-  
23 after under the Supreme Command. Further, as the  
24 Bureau of Intelligence of the cabinet was strengthened,  
25 it took over most of the remaining matters that had



1 formerly been announced by the War Ministry; thus the  
2 information matters announced through the War Ministry  
3 became very few.

4 "Through these changes the scope of activities  
5 of the Military Affairs Bureau became smaller and  
6 smaller. Prior to this time it had been customary to  
7 ask the opinion of the Director of the Military Affairs  
8 Bureau on some personnel matters, but after TOJO became  
9 War Minister this practice was discontinued, and per-  
10 sonnel matters were conducted without participation  
11 of the Military Affairs Bureau Director.

12 "Under the general rule of the Imperial Ordinance relating to general rules concerning the organization of the ministries, Article 18, the Director  
13 of the Military Affairs Bureau was the same in authority  
14 as all other directors of bureaus. Such directors  
15 were not authorized generally to decide principal matters on their own opinion exclusively, but rather their  
16 duty was to administer under the direction of the  
17 minister; and all were in equal conditions, with equal  
18 responsibility. It is completely wrong to say that  
19 the Director of the Military Affairs Bureau had any  
20 special authority as compared to other directors.

21 "Next I shall make an explanation of the word  
22 'rentai,' a word especially used in the system of the  
23  
24  
25



1 Japanese Army. The verb 'rentai-suru' or 'to give  
2 rentai' means only approving a decision by a competent  
3 bureau by affixing one's seal on the understanding  
4 that one has no objection as far as matters within  
5 the jurisdiction of his bureau or section are concerned.  
6 It does not mean that one who gave 'rentai' to a cer-  
7 tain plan took so-called joint responsibility for all  
8 the contents of the plan in question beyond his authority  
9 as defined in the official organization.

10 "The War Minister and Vice-Minister asked  
11 the opinion of each director on pertinent matters, and  
12 no more importance was attached to the opinion of the  
13 Director of the Military Affairs Bureau than to that  
14 of other directors. It was not at all rare that the  
15 opinion of that director was disregarded and the opi-  
16 nions of other directors adopted. It was a rule of  
17 the Japanese Army that, once a superior decided a mat-  
18 ter, his subordinates must be absolutely obedient to  
19 his decision. As to this point, there was an insistence  
20 in this court that 'One, though he may be a soldier,  
21 can and should demand release from office, if he dis-  
22 agrees with the orders of his superior.' But this  
23 was such a matter as could never be approved in the  
24 system and organization of the former Japanese Army.

25 "II. Relation between the War Ministry,

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2 rentai' means only approving a decision by a competent  
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21 can and should demand release from office, if he dis-  
22 agrees with the orders of his superior.' But this  
23 was such a matter as could never be approved in the  
24 system and organization of the former Japanese Army.

25 "II. Relation between the War Ministry,

1 especially the Military Affairs Bureau and the Army  
2 General Staff Office. - - -

3 "The War Minister, Chief of the General Staff,  
4 and Inspector-General of Education took over portions  
5 of the central business upon themselves. Each bureau  
6 of the War Ministry took over a share of the matters  
7 which were under the supervision and control of the  
8 War Minister. Thus the matters under any one bureau  
9 were strictly limited, and in no case could extend  
10 beyond the authority of the War Minister. For example,  
11 although 'organization' was mentioned as one of the  
12 functions of the Military Administration Section, it  
13 did not mean that army organization could be decided by  
14 that section alone. In reality, the right to draft  
15 organization plans for the army originally belonged  
16 to the General Staff, and the General Staff actually  
17 had an office which took care of that matter. As a  
18 matter of practice, the General Staff actually made  
19 plans regarding organization, and merely asked for the  
20 War Minister's counsel.

21 "Most matters mentioned as the responsibility  
22 of the War Ministry arose from demands made by the  
23 Chief of the General Staff, most of which naturally  
24 arose from considerations of national defense. During  
25 the course of the China Incident, and later during the

1 Pacific War, these demands were varied and more numerous,  
2 They included requests from the General Staff on the  
3 War Minister, on current problems from the standpoint  
4 of home affairs or foreign relations.

5 "Such requests were first received by the  
6 Military Affairs Bureau and transmitted to the proper  
7 bureau for consideration, and afterwards reply was made  
8 by order of the War Minister. There were some matters  
9 which did not go through the Military Affairs Bureau  
10 at all.

11 "There were frequent disagreements between  
12 the War Ministry and the General Staff, and often it  
13 was necessary to repeat the consultations and negotia-  
14 tions. Also, there were a large number of demands from  
15 the General Staff which concerned ministries other  
16 than the War Ministry; in these matters the War Ministry  
17 negotiated with the ministries concerned. For example,  
18 as for estimates, it negotiated with the Finance Ministry  
19 through the Intendance Bureau; for materials, with the  
20 Planning Board or the Munitions Ministry through the  
21 Equipment Bureau; as for foreign affairs, with the  
22 Foreign Ministry through the Military Affairs Bureau.

23 "The War Minister had a sort of double charac-  
24 ter; as a minister of state he was compelled to an  
25 awareness of political and diplomatic activity, and as



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19 through the Intendance Bureau; for materials, with the  
20 Planning Board or the Munitions Ministry through the  
21 Equipment Bureau; as for foreign affairs, with the  
22 Foreign Ministry through the Military Affairs Bureau.

23 "The War Minister had a sort of double charac-  
24 ter; as a minister of state he was compelled to an  
25 awareness of political and diplomatic activity, and as

1 an official highly concerned with army matters he had  
2 also to be completely a soldier. But since the Chief  
3 of the General Staff had the highest responsibility  
4 as far as the army was concerned, it was his highest  
5 duty to give consideration to winning victory in war  
6 time. Thus there was often sharp conflict between the  
7 Chief of the General Staff and the War Minister. It  
8 was the duty of the Chief of the Military Affairs Bureau  
9 to negotiate with the General Staff Office in such dis-  
10 putes and also to represent the General Staff in dealing  
11 with other agencies in some matters.

12 "It was a fact that many officers in the War  
13 Ministry also held concurrent offices in connection  
14 with the Imperial General Headquarters; for example,  
15 the Directors of Ordnance, Intendance, and Medical Bu-  
16 reaus. It was also decided that the War Minister, with  
17 some of his subordinates, should participate in the  
18 conferences of the Imperial General Headquarters as  
19 occasion demanded. But in reality there was no change  
20 in the true relationship between these two units. The  
21 Directors of the Military Affairs Bureau and the  
22 Personnel Affairs Bureau, who did not held concurrent  
23 posts with the Imperial General Headquarters, were  
24 simply ordered to be 'attendants' of the War Minister  
25 at the conferences. Most officials confined themselves

1 to the work in their own offices in the War Ministry,  
2 and attended conferences at Imperial General Head-  
3 quarters only in urgent circumstances. Though the  
4 Director of the Military Affairs Bureau, as well as  
5 the Vice-Minister and Director of the Personnel Affairs  
6 Bureau, were attendants' of the War Minister, he did  
7 not participate in such conferences in any degree,  
8 but merely made preliminary arrangements for the War  
9 Minister and attended to detail work after such con-  
10 ferences as the War Minister attended. With regard  
11 to operation attendants such as the Director of the  
12 Military Affairs Bureau were given only such information,  
13 by staff officers of Imperial General Headquarters,  
14 as applied to their own particular offices in the War  
15 Ministry.  
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1 "III. Matters under the Military Affairs  
2 Bureau.

3 "Under the Military Administration Section  
4 were matters concerning the main lines of national  
5 defense. It had no power to decide main policies of  
6 national defense, but rather to harmonize and co-  
7 ordinate the matters handled by the various bureaus  
8 and sections. When consultation between the bureaus  
9 and sections involved resulted in disagreement, the  
10 Military Administration Section had no power to  
11 settle the dispute, but merely to arbitrate and give  
12 counsel. Matters of national defense and tactics  
13 were the exclusive concern of the Chiefs of the Army  
14 and Navy General Staffs; this was also true in other  
15 routine affairs. If plans involved appropriations  
16 and material, consultation was had with the War and  
17 Navy Ministers. In case of an agreed plan, each  
18 bureau went about its own particular business.

19 "One of the matters placed under the charge  
20 of the Military Affairs Section was 'matters con-  
21 cerning the national defense policy in general.'  
22 This might be understood to mean that that bureau  
23 had authority to make a final decision on matters of  
24 national defense policy, but the exact contrary is  
25 the case. As previously stated, each bureau t



1 transacted its business in accordance with policies  
2 fixed by the Chief of the General Staff and the War  
3 Minister. This business often involved matters which  
4 were originally under offices other than the War  
5 Ministry, such as mobilization of material and  
6 national health. If such matters were taken up  
7 independently with the various bureaus concerned,  
8 confusion would result, and it was thus necessary  
9 to have some one office to co-ordinate all activities.  
10 The above mentioned business of the Military Affairs  
11 Section meant this co-ordinating function.

12 "The Military Administration Section had  
13 certain duties in connection with budget matters.  
14 It was the duty of the Paymaster's Section of the  
15 Intendance Bureau to collect data on the require-  
16 ments of the various bureaus and sections in order  
17 to formulate an overall budget for the War Ministry,  
18 and thereafter to apportion such sums as had been  
19 allowed. The duty of the Military Administration  
20 Section in relation to the budget was this: to do  
21 its best to adjust the organization and application  
22 of budget business of other bureaus and sections to  
23 the requirements of national defense as set by the  
24 General Staff.  
25

"Failure to handle the appropriation



1 properly within the War Ministry often resulted in  
2 failure to meet the demands of the General Staff.  
3 The Military Administration Section, however, could  
4 never intentionally interrupt a plan of the General  
5 Staff, which was thoroughly familiar with the amount  
6 of appropriations and the outline of their distri-  
7 bution. In such case, the decisive power was in  
8 the War Minister, needless to say never in the Chief  
9 of the Military Affairs Bureau. To my knowledge,  
10 this was strictly true.

11 "IV. Regarding additional posts held by  
12 the Chief of the Military Affairs Bureau.

13 "The Chief of the Military Affairs Bureau  
14 automatically held other posts, ex officio. One  
15 such post was Chief Secretary of the Supreme War  
16 Council. His only duties were secretarial in  
17 nature: he notified the councillors of the date  
18 and place of meeting, distributed necessary papers  
19 before the meeting, and, since he had no voice in  
20 the discussions nor right to vote, his work was  
21 nothing more than keeping the minutes.

22 "Another such concurrent duty was to act  
23 as secretary of the joint Imperial GHQ Government  
24 Liaison Conferences. It was agreed that the Chiefs  
25 of the Military Affairs Bureau in the War and Navy

1 Ministries and the Secretary of the Cabinet should  
2 act as secretaries. The only duty of the secretaries  
3 was to distribute the necessary papers before such  
4 a conference and to deal with documents acted upon;  
5 none of the three had any right to participate in  
6 any way in the discussions of the conference. The  
7 same situation existed in the case of conferences  
8 before the Throne.

9 "The Chief of the Military Affairs Bureau  
10 also held certain posts such as member of various  
11 committees of the Cabinet, or other ministries,  
12 but this was true of all Bureau Chiefs of all  
13 ministries and was done for the purpose of bringing  
14 all ministries into close co-ordination. Resolutions  
15 of such committees were not binding in any way on  
16 the ministry involved, and, as a matter of practice,  
17 those named to the committees were rarely present,  
18 being most often represented by a proxy.

19 "With regard to the Privy Council, there  
20 was no direct connection with the Council and the  
21 Military Affairs Bureau. When the War Minister him-  
22 self was required to attend, the Chief of the Mil-  
23 itary Affairs Bureau or one of his subordinates  
24 attended for the sole purpose of explaining, if  
25 called upon, specific and technical details of matters

1 within the scope of his bureau.

2 "With regard to attending some sessions of  
3 the Diet, there were usually representatives from  
4 all ministries concerned in matters to be discussed.  
5 Not only the Parliamentary Vice-Minister and  
6 Councillor, but also the Vice-Minister, Chief of  
7 Military Affairs Bureau, Chief of the Account and  
8 Supply Bureau and sometimes chiefs of other bureaus  
9 were appointed 'commissioners' and charged with the  
10 duty of explaining or answering questions about the  
11 matters before the Diet. Such duties were in no  
12 way 'policy-making.'"

13 You may cross-examine.

14 I made an error, if your Honor please.  
15 Mr. Freeman has some further direct questions.

16 MR. FREEMAN: If the Tribunal please.

17 ACTING PRESIDENT: Mr. Freeman.

18 DIRECT EXAMINATION (Continued)

19 BY MR. FREEMAN:

20 Q Colonel, you state in your affidavit that  
21 you were a member of the Administrative Section of  
22 the Military Affairs Bureau continuously, with the  
23 exception of three years, from October, 1931, to  
24 December, 1944. Is that true?

25 A Yes.

1                   ACTING PRESIDENT: Before you go further,  
2 Mr. Freeman, will you state on behalf of which  
3 accused you are examining?

4                   MR. FREEMAN: General SATO.

5                   Q   Colonel, General TANAKA, Ryukichi, testified,  
6 record page 14,287, that protests received from the  
7 Allied Powers by the Foreign Office relative to the  
8 treatment of prisoners of war were routed directly  
9 to the Military Affairs Bureau. Did your section  
10 ever receive any such protests?

11                  A   No, such matters were not handled in my  
12 section.

13                  Q   This same TANAKA also testified that the  
14 Military Affairs Bureau prepared all replies to  
15 such protests. Did you or your section ever pre-  
16 pare a reply to any such protests?

17                  A   No.

18                  Q   This same TANAKA also testified, record  
19 page 29,051, that there were some junior officers  
20 within the Military Administration Section of the  
21 Military Affairs Bureau who held extreme views  
22 relative to the execution of the Doolittle fliers.  
23 Do you recall any members of your section who  
24 wished the execution of any or all of the Doolittle  
25 fliers?

1           A    There were none.

2           Q    When asked by the prosecution to name  
3 subordinates within the War Ministry who favored  
4 the execution of the Doolittle fliers, General  
5 TANAKA named a Colonel OTSUKI of the Military  
6 Administration Section of the Military Affairs  
7 Bureau who, he said, came to him several times  
8 urging severe punishment of the Doolittle fliers.  
9 Was there any such colonel by the name of OTSUKI  
10 in your section during the entire year of 1942?

11          A    There was no officer by the name of OTSUKI  
12 in my section during the year 1942. An officer by  
13 the name of OTSUKI, Akira, at one time in the past  
14 served in the Military Administration Section. How-  
15 ever, just prior to the outbreak of the Pacific War  
16 this person, OTSUKI, Akira, was transferred as a  
17 staff officer to a post outside of Japan, and I do  
18 not think he served at any time during the course  
19 of the Pacific War in any post in Japan.

20          Q    Do you know where he was transferred to?

21          A    I think it was in Saigon.

22          Q    Colonel, on page 3 of your affidavit, you  
23 state that many officers in the War Ministry held  
24 concurrent offices in connection with Imperial  
25 General Headquarters. Specifically, you state that



1 Directors of the Military Affairs Bureau and of the  
2 Personnel Affairs Bureau attended the Imperial  
3 Conferences only as attendants of the War Minister  
4 and did not participate in such conferences to any  
5 degree but to make preliminary arrangements for  
6 the War Minister. Do you mean to state that the  
7 attendants had no voice in decisions reached at  
8 Imperial Headquarters?

9 A Yes.

10 Q Then, actually the Director of the Military  
11 Affairs Bureau and the Director of the Personnel  
12 Affairs Bureau attended only in an advisory  
13 capacity to the War Minister?

14 A Yes, that is so.

15 Q Do you know where policies and regulations  
16 were written relative to the treatment of prisoners  
17 of war, what bureau or section?

18 A By the Prisoner of War Administration  
19 Bureau. That is where they were drafted.  
20  
21  
22  
23  
24  
25

1 MR. FREEMAN: If the Tribunal please, that  
2 is all the questions I have to ask, but I would  
3 like to direct the Tribunal's attention to page  
4 16,966 of the record and I wish to read a conclusion  
5 drawn by the prosecution.

6 ACTING PRESIDENT: I don't think that is  
7 proper at this time. You can do it in summation.

8 MR. FREEMAN: I direct the Tribunal's  
9 attention to that section.

10 MR. LOPEZ: If the Tribunal please.

11 ACTING PRESIDENT: Mr. Lopez.

12 CROSS-EXAMINATION

13 BY MR. LOPEZ:

14 Q With reference to paragraph 4 of your  
15 affidavit on the last page: Throughout your long  
16 connection with the Military Affairs Bureau, did you  
17 ever attend a meeting of the Supreme War Council?

18 A No.

19 Q Did you ever attend a meeting of the Privy  
20 Council?

21 A Not at the conference.

22 Q Where did you attend then?

23 A To a meeting of the Chief Secretary of the  
24 Privy Council for the purpose of explaining matters  
25 on the agenda.

1. Q How about any meeting of the Imperial  
2 General Headquarters; were you able to attend  
3 one of them?

4 A No.

5 Q Do you know where the meetings of the  
6 Imperial General Headquarters were being held?

7 A The meetings or conferences of the Imperial  
8 General Headquarters were held at times within the  
9 Imperial Palace and at times at the General Staff  
10 Headquarters, but I do not know all the locations --  
11 the location of all of these meetings.

12 Q How about the place of the meeting of the  
13 Privy Council; do you happen to know that?

14 A Yes.

15 Q Where?

16 A Within the Imperial Palace.

17 Q How about the meetings of the Supreme War  
18 Council; where were they held?

19 A In the Imperial Palace.

20 Q What room?

21 A I do not know the name of the room, but I  
22 know the room in which the conferences were held.

23 Q Have you been in that room?

24 A Yes, when the conference was not in session.

25 Q Have you ever attended any meeting of the

liaison conferences?

1 A No.

2 Q Do you know where the meetings were being  
3 held?

4 A Yes.

5 Q Where?

6 A In most cases, a certain room in the Imperial  
7 Palace.

8 MR. LOPEZ: That is all for the cross-  
9 examination, your Honor.

10 MR. COLE: Mr. President, I refer now to  
11 exhibit 2243-A.

12 ACTING PRESIDENT: Mr. Cole, what do you  
13 want to do with this witness?

14 MR. COLE: I beg your pardon. May the witness  
15 be excused on the usual terms?

16 ACTING PRESIDENT: He is excused accordingly.

17 (Whereupon, the witness was excused.)  
18

19 - - -

20 MR. COLE: I refer now to exhibit 2243-A.  
21 This exhibit was an article from the Japan Times and  
22 Mail and purported to describe a speech made by this  
23 accused in a Diet committee meeting.

24 We propose to offer the minutes of that  
25 meeting only so far as they set out the accused's



liaison conferences?

1 A No.

2 Q Do you know where the meetings were being  
3 held?

4 A Yes.

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14 MR. COLE: I beg your pardon. May the witness  
15 be excused on the usual terms?

16 ACTING PRESIDENT: He is excused accordingly.

17 (Whereupon, the witness was excused.)  
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20 MR. COLE: I refer now to exhibit 2243-A.  
21 This exhibit was an article from the Japan Times and  
22 Mail and purported to describe a speech made by this  
23 accused in a Diet committee meeting.

24 We propose to offer the minutes of that  
25 meeting only so far as they set out the accused's

1 actual remarks, without the headlines and editorial  
2 interpretations found in the prosecution exhibit.

3 I offer in evidence defense document 2734.

4 MR. LOPEZ: If the Tribunal please, we have  
5 no objection. On the contrary, we welcome it.

6 ACTING PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 2734  
8 will receive exhibit No. 3440.

9 (Whereupon, the document above re-  
10 ferred to was marked defense exhibit No. 3440  
11 and received in evidence.)

12 MR. COLE: I omit the heading, except for  
13 the date:

14 "Tuesday session, March 19, 1940 at 1:39 p.m.

15 "Government Committeeman MUTO:

16 "I hereby express my heartfelt support towards  
17 the opinion of Committeeman HAMAJI. Thus, I believe,  
18 my answer has already reached its conclusion, but  
19 inasmuch as I am given this opportunity to express  
20 my opinion, I would like to express a part of what I  
21 have been impressed with for some time. It is the  
22 attitude of mind for us Japanese to take in surmounting  
23 this emergency with which we are confronted. I am  
24 of the opinion that we must, by all means, have the  
25 spirit of leadership commonly needed for attaining

1 its purpose. It is, as already stated by War  
2 Minister TERAUCHI in the Diet, essential to oust  
3 individualism and all liberalism originating from  
4 the former which will attach too much importance  
5 to personal interests to cope with the present  
6 international situation. Looking over the present  
7 international situation, all the nations, irregardless  
8 of which one, are proceeding to attach importance to  
9 a national standard. Even observing economic relations,  
10 they are all carrying on economic transactions with  
11 one another with the nation as the unit. That  
12 furthermore this has progressed to a 'bloc' economy.  
13 Each one of them has come to think of attaching  
14 importance to the nation as a unit in competition,  
15 rather than personal gains in an economic race in  
16 ordinary times.

17  
18 "I am firmly convinced that it is an inevitably  
19 impossible matter to unite and give full swing to all  
20 the strengths of Japan at this time of emergency when  
21 Japan must raise all her strength to see through the  
22 emergency with which she is confronted, so long as  
23 greater importance is attached to personal interests.  
24 In this connection, they speak of a matter called  
25 totalitarianism in foreign countries. War Minister  
TERAUCHI once stated that we must depend thoroughly

1 on totalitarianism, attaching importance to  
2 patriotism. I do not know what this is properly  
3 called, as I am not a scholar, but I wonder if the  
4 word 'kokutaishugi' or principle of Japanese National  
5 Constitution or National Polity would not be  
6 satisfactory for this.

7 "It is my firm conviction that if everyone  
8 of us would unite, all based on the nation more than  
9 on the individual, the total strength of the nation  
10 will be unified of itself, to give it full swing.  
11 In this sense, as you previously pointed out, should  
12 the political parties be neglectful of national  
13 affairs, clinging to their own interests or maneuvers,  
14 this absolutely would not be allowable. The same is  
15 true of government officials. If they should swing  
16 to self-complacency, as you have pointed out, they  
17 should reflect on themselves and reform such undesirable  
18 convention without wasting a minute. Again, as for  
19 the army, in other words, armed forces, should there  
20 be any points that should be criticised for our being  
21 high-handed, it should be amended immediately also.

22 "I firmly believe that the attitude to see  
23 the nation over these extraordinary times is for us  
24 to fully realize a sense of nationalism and to act  
25 in concert with one another. In other words, if the



1 political parties, the government officials, the  
2 military authorities and all the others would  
3 reflect on themselves and amend what should be amended,  
4 and closely co-operate with one another, fully realizing  
5 the sense of national polity, I am rather hopeful  
6 of the future and believe that the current emergency  
7 will unmistakably be seen through. You asked me of  
8 my opinion about the political parties. If there  
9 should still be any political parties clinging to  
10 their own interests or maneuvers, they ought to  
11 immediately reflect on themselves. In the event  
12 that they refuse to reflect on themselves, I believe  
13 legal measures should be taken so as to have them  
14 dissolved in these emergency times. You mentioned  
15 that for close co-operation of the army, government  
16 officials, and political parties, the military  
17 authorities are too powerful. What you have said  
18 can be interpreted in various ways, but it cannot  
19 be said that the military is too strong for fighting  
20 with a foreign enemy, no matter how strong they may  
21 be. From what you said previously, you probably had  
22 in mind that the army is too high-handed in the matter  
23 of uniting and co-operating -- that it is out of the  
24 question to act in close concert with them. In this  
25 connection, I believe as follows: There is much

1 discussion that the military interfere in politics,  
2 but perfect understanding must be reached by both  
3 the military and the politicians for the purpose of  
4 bringing this war to a successful conclusion. In  
5 the case of an individual who is a general and a  
6 politician at the same time, things would be in  
7 agreement; but under the present national structure  
8 the politicians take charge of politics and the  
9 generals lead the military forces, and are quite  
10 separate. If the politicians should fully understand  
11 the military forces in every respect, the latter would  
12 be able to devote itself to its own affairs and feel  
13 at ease.

14 "This is, as a matter of fact, however,  
15 impossible; so for the military to say we would like  
16 to have this done, that done in order to see the  
17 successful prosecution of the war is only a natural  
18 thing. I am firmly convinced that if you would read  
19 but one page of the science of war you would be in  
20 complete agreement with me, and not ask further  
21 questions. Particularly in the case of modern war,  
22 where we are forced to concentrate all-out national  
23 energy. We, on the part of the army, hold a keen  
24 interest on even a trifling matter such as the shortage  
25 of one grain of rice or the sabotage of a single

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22 where we are forced to concentrate all-out national  
23 energy. We, on the part of the army, hold a keen  
24 interest on even a trifling matter such as the shortage  
25 of one grain of rice or the sabotage of a single

1 laborer; in other word, if there should occur a  
2 shortage of rice for the people to eat, it would  
3 threaten the stabilization of the nation and it would  
4 have such far-reaching effects in the leadership  
5 of the war. Should the sabotage of a single laborer  
6 prevent a single part of a weapon from being produced,  
7 it would have serious effects on the prosecution of  
8 the war. Consequently, we sincerely hope you would  
9 fully understand the fact that we have to ask for this  
10 to be done and that to be done, and take a keen  
11 interest in every particular of both politics and  
12 economics."

13 ACTING PRESIDENT: This is a convenient  
14 place to stop. We will adjourn until one-thirty.

15 (Whereupon, at 1200, a recess was taken.)

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1 The Tribunal met pursuant to recess at 1335.

2 MARSHAL OF THE COURT: The International  
3 Military Tribunal for the Far East is now in session.

4 ACTING PRESIDENT: Mr. Cole.

5 MR. COLE: I continue reading at the bottom  
6 of page 5:

7 "I do not believe this is interference in  
8 politics. To work cooperatively and unitedly I believe  
9 one should speak out his opinion; accordingly I would  
10 like to request your understanding on this point. And  
11 if the will or indication of the military in these  
12 demands are to be mistaken as being too strong, the  
13 political parties or government officials should  
14 frankly give their opinions without hesitation so that  
15 we may proceed understanding one another.

16 "I wonder if the case is not where it is, not  
17 that the military is too strong, but that the political  
18 parties are too weak. I have expressed my various  
19 views, but the point is that we should fully realize  
20 the mission of Imperial Japan, take full cognizance of  
21 the emergency, and exchange frank opinions with each  
22 other, in order that we may arrive at an agreement on  
23 both political and military policies.

24 "Therefore, I quite agree to the suggestion in  
25 which you have stressed the importance of the fact that

1 the military authorities should always act in close  
2 concert with the political parties.

3 "Finally, you advised us about the relations  
4 between the militarists and the merchants, to which we  
5 intend to pay full attention. The other day, the War  
6 Minister simultaneously with the decision made on the  
7 budget at the cabinet meeting, informed all the forces  
8 to the effect that whether it may be a single penny or  
9 a single item, let it be used with care, as they are  
10 the crystals of painstaking labor of the people. Every-  
11 thing is being handled with this attitude and I am  
12 hopeful of there not being any mistakes ever."

13 I omit the balance of the document.

14 I now offer in evidence defense document 2786,  
15 the sworn deposition of ISHII, Akiho, and respectfully  
16 call attention to the doctor's diagnosis at the end of  
17 the document, stating the inability of Colonel ISHII  
18 to be present before the Tribunal. This witness served  
19 in the Military Affairs Bureau under the accused, and  
20 relates, from his personal knowledge, General MUTO's  
21 actions and efforts in several matters of importance,  
22 including attempted settlement of the China Incident,  
23 the Tripartite Pact, and the Japanese-American nego-  
24 tiations.  
25

ACTING PRESIDENT: Mr. Lopez.

1 MR. LOPEZ: If your Honor please, we object  
2 to the admission of the affidavit on the ground that  
3 the witness is not made available for cross-examination.  
4 The witness resides in Japan and there has been no  
5 justifiable showing made why the rigidly enforced rule  
6 of this Court should be relaxed in this particular case.

7 ACTING PRESIDENT: Do you desire to cross-  
8 examine?

9 MR. LOPEZ: Yes, sir.

10 MR. COLE: If the Tribunal please, I want to  
11 make my position clear in answer to this objection.  
12 We are not only willing, but eager that the prosecution  
13 should have a chance to cross-examine this witness.  
14 Colonel ISHII has been in the hospital for I think  
15 approximately two years with tuberculosis. The latest  
16 certificate from his physician estimates that he will  
17 be hospitalized for six months to one year. On the  
18 8th of October I took the proposed affidavit to the  
19 prosecution and stated what the circumstances were.  
20 One thing further: when our affidavit was taken, one  
21 lawyer from my office and myself were the only ones to  
22 see Colonel ISHII. Even under those conditions it was  
23 necessary for us to talk with him only twenty minutes  
24 to a half hour at a time and then to remove ourselves  
25 until his temperature and pulse were down.

1           ACTING PRESIDENT: That was the 12th day of  
2 February, according to the affidavit.

3           MR. COLE: Yes, sir. That was during our  
4 winter recess.

5           MR. LOPEZ: If the Tribunal please, a commission  
6 was created and a deposition was taken of a defense  
7 witness under similar circumstances who was also suffer-  
8 ing from tuberculosis. From what I know of the disease  
9 it is a very benign disease. I ought to know because  
10 my father died of it. A man never loses consciousness  
11 until he finally dies. Defense counsel had ample time  
12 and opportunity to have asked this Tribunal for the  
13 creation of a commission to take the deposition of this  
14 witness. If his testimony were not so important,  
15 your Honors, I would not have pressed this objection  
16 any further.

17           MR. COLE: May it be made clear, if the  
18 Tribunal please, that we do not oppose cross-examination  
19 of Colonel ISHII? My suggestion is this: that an  
20 interrogatory be agreed upon so that it can be taken  
21 care of under conditions which are favorable to his  
22 health. If a commission of even eight or ten persons  
23 should attempt to conduct an examination of him in his  
24 hospital room, I can well imagine the effect on his  
25 health and the inconvenience of that commission.

1 I should like to be allowed to read the affidavit  
2 and have it admitted, subject to an interrogatory  
3 prepared by the prosecution and agreed upon with us.  
4 That is all.

5 ACTING PRESIDENT: Can you and the prosecution  
6 agree on the interrogatories?

7 MR. LOPEZ: We should like to insist upon a  
8 cross-examination.

9 ACTING PRESIDENT: A majority of the Tribunal  
10 feels that a commission should be appointed and if the  
11 commission finds out that the witness is too ill to be  
12 examined by the commission, they can act accordingly  
13 and take whatever steps may be necessary at that time.

14 MR. LOPEZ: Very well, sir.

15 ACTING PRESIDENT: The document will be with-  
16 drawn at the present time.

17 MR. COLE: I next offer in evidence defense  
18 document 2579, the affidavit of Bishop James Edward  
19 Walsh. Bishop Walsh became acquainted with this accused  
20 during a trip to Japan, and gives illuminating evidence  
21 regarding General MUTO's energetic and, for himself,  
22 sometimes dangerous efforts to bring about an early and  
23 mutually satisfactory settlement of the Japanese-American  
24 problems in 1940 and 1941. Bishop Walsh also testifies  
25 to their joint activities in the same connection. At the



1 request of the State Department of the United States,  
2 I propose to omit the first three lines of the paragraph  
3 beginning at the bottom of page 1 of the English version,  
4 starting in the fourth line with "we agreed to take," etc.

5 MR. LOPEZ: If the Tribunal please, no objection  
6 except to the following portions, which are objected to  
7 as conclusions and opinions of the witness:

8 The last sentence of the last paragraph on  
9 page 3, which begins "I am satisfied," down to "Mr.  
10 IKAWA," the last two paragraphs on page 4, and paragraph  
11 6 is likewise objected to on the ground that it is  
12 immaterial and irrelevant.

13 ACTING PRESIDENT: Have you anything to say,  
14 Mr. Cole?

15 MR. COLE: As to the first objection, your  
16 Honor, on page 3, at the bottom of the page, I assume  
17 that the objection is based on the claim that that is  
18 a conclusion. Bishop Walsh uses the words "satisfied"  
19 and "conviction," which seems to me to suggest that he  
20 knows it, and therefore it is not a conclusion.

21 As to paragraphs 5 and 6, we are most willing  
22 that they be omitted.

23 I was not entirely clear on the objection at  
24 the bottom of page 4, as to whether it was paragraphs  
25 5 and 6 which that covers, or something in addition.

1 MR. LOPEZ: In answer to the query of learned  
2 counsel for the defense, I would say it is the last two  
3 paragraphs on page 4, beginning with "This concludes",  
4 down to "subsequent negotiations."

5 Regarding the first objection, we offer the  
6 additional objection that it is speculative.

7 ACTING PRESIDENT: By a majority of the Court,  
8 the objection is sustained and the document will be  
9 admitted, subject to the parts objected to.

10 CLERK OF THE COURT: Defense document 2579  
11 will receive exhibit number 3441.

12 (Whereupon, defense document No. 2579  
13 was marked defense exhibit No. 3441, and  
14 received in evidence.)  
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1 MR. COLE: I will read exhibit 3441.

2 "I, JAMES EDWARD WALSH, being first duly  
3 sworn, on oath, depose and say:

4 "That I am now, and was at all times herein  
5 mentioned, a Bishop of the Roman Catholic Church belong-  
6 ing to and affiliated with the Catholic Foreign Mis-  
7 sion Society of America, also known as the Maryknoll  
8 Society; that at the time of the happening of the  
9 occurrence of the facts herein related I was Superior  
10 General of the said Maryknoll Society;

11 "That General MUTO, Akira occupied the posi-  
12 tion of Director of the Central Bureau of Military  
13 Affairs, with his office in Tokyo, at the time when I  
14 made his acquaintance. The following statement con-  
15 tains the facts that are known to me regarding the  
16 part taken by General MUTO in the peace negotiations  
17 of 1941.

18  
19 "1. In late November, 1940, Father James M.  
20 Drought of Maryknoll (since deceased) and the under-  
21 signed were in Japan. While in Tokyo, we were asked  
22 by Mr. MATSUOKA, then Minister of Foreign Affairs, if  
23 we would take a message to Washington to the effect  
24 that the Japanese Government wished to negotiate a  
25 peace agreement. As far as I recall, Mr. MATSUOKA  
was not very definite about the terms of such an

1  
2 agreement. We were told by other officials and  
3 spokesmen that the Japanese Government proposed as  
4 basic terms of the agreement on their part: (1) a  
5 guarantee to nullify their participation in the Axis  
6 Pact, if not public repudiation, at least in some  
7 definite manner that would be effective and complete,  
8 and (2) a guarantee to recall all military forces from  
9 China and to restore to China its geographic and  
10 political integrity. Other conditions bearing on the  
11 relations of Japan and the United States were to be  
12 explored and agreed upon in the conversations that it  
13 was hoped would ensue. These additional conditions,  
14 largely economic in nature, were also discussed with  
15 us; by Mr. MATSUOKA to some little extent, but at  
16 greater length and with more detail by other repre-  
17 sentatives of the Japanese Government, among whom Mr.  
18 Tadao IKAWA (since deceased) known to us as a friend  
19 and unofficial representative of the then Prime Min-  
20 ister, Prince KONOYE (also since deceased) was the  
21 most assiduous. Father Drought carried on most of  
22 the conversations, as I was largely occupied with  
23 missionary affairs.

24  
25 "... We agreed to take the message, provided

1 that some assurances would be forthcoming from repre-  
2 sentatives of the Japanese Army and Navy regarding the  
3 Japanese unanimity of purpose in reaching an agree-  
4 ment and carrying it out.

5 "My line-a-day diary records the fact that  
6 Father Drought and the undersigned were introduced to  
7 General MUTO by Tadao IKAWA on December 27, 1940.  
8 General MUTO was then Chief of the Central Bureau of  
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1 Military Affairs. We met him at his office in Tokyo.  
2 He did not appear to speak English, and neither Father  
3 Drought nor the undersigned understood Japanese.  
4 Accordingly, General MUTO spoke in Japanese, and Mr.  
5 IKAWA translated his statements into English for us  
6 then and there. I, the undersigned, made no record of  
7 the conversation at the time, and I cannot pretend to  
8 recall now with complete precision the exact words that  
9 General MUTO used. I recall distinctly, however, the  
10 substance of what General Muto said, particularly the  
11 following statements: (1) that he and his associates  
12 in the Japanese Army were in accord with the efforts  
13 to reach a peace agreement, and (2) that he would do  
14 all in his power to further and assist the efforts to  
15 conclude a peace agreement. From this interview Father  
16 Drought and I received the impression that General  
17 MUTO was pledging himself -- and as far as it lay in  
18 his power, the Army he represented -- to concurrence  
19 in the proposed undertaking.

20 "I do not recall that the actual terms of the  
21 proposed agreement were discussed with General MUTO,  
22 although it is quite possible that they were. The  
23 interview lasted for some time -- perhaps twenty minutes,  
24 perhaps a half hour; the conversation was leisurely  
25 and fairly lengthy, and in its course various pertinent

1 points were touched upon. There may have been some  
2 mention of the terms. However, I am unable to assert  
3 of my own present knowledge that the terms were dis-  
4 cussed. I have tried hard to recall this circumstance,  
5 but I possess no distinct recollection in regard to  
6 this particular point.

7 "I seem to recall, though rather vaguely,  
8 that Father Drought had seen some representative of the  
9 Japanese Navy some days previously, and had received  
10 a similar assurance on behalf of the Navy. I do not  
11 recall who this representative of the Navy was, although  
12 I think that Father Drought must have mentioned his  
13 name to me at the time.

14 "It had been represented to us from the begin-  
15 ning, chiefly by Mr. IKAWA but also by others, that the  
16 peace proposals not only had the concurrence of the  
17 Prime Minister (Prince KONOYE), but were largely a  
18 matter of his initiation. We were told that we would  
19 be taken to see the Prime Minister before leaving, if  
20 we agreed to go to Washington. It was also made known  
21 to us that the proponents of the plan would feel more  
22 assurance if Father Drought and I both made the journey  
23 to Washington in person.

24 "Father Drought and I had booked tentatively  
25 on a ship to return to America. It was to sail from

1 Yokohama on December 28, 1940. The evening before  
2 the ship was to sail (later on the same day of our  
3 visit to General MUTO) we were taken to the Prime Min-  
4 ister's office in Tokyo to see him. The Prime Minis-  
5 ter was out at the time of our call, and we sailed the  
6 next day (December 28th) without seeing him. Our ship  
7 was the Nitta Maru.

8 "2. Father Drought and I proceeded to New  
9 York, arriving there January 13, 1941. We got in touch  
10 with Mr. Hull, the Secretary of State, as promptly as  
11 we could. Mr. Hull arranged to have us explain the  
12 Japanese proposals in the presence of President Roose-  
13 velt and himself. On Thursday, January 23, 1941, we  
14 were in Washington, where we explained the matter to  
15 the best of our ability to the President and Mr. Hull.  
16 Mr. Frank C. Walker, the Postmaster General, was also  
17 present at the meeting, which took place in the Presi-  
18 dent's office. The meeting lasted something like two  
19 and a half hours, perhaps slightly longer; and a lengthy  
20 explanation was given. The president and the Secretary  
21 of State thanked us for the trouble we had taken, and  
22 said they would take the matter under advisement.

23 "I believe it was shortly after this interview  
24 that our Government decided to investigate the Japanese  
25 proposals, and entered into some conversations with

1 representatives of the Japanese Government relative to  
2 the matter.

3 "3. In June, 1941, I went again to Japan  
4 to resume my interrupted visitation of the Maryknoll  
5 missionaries there and elsewhere in the Far East. I  
6 sailed from San Francisco on June 5 and arrived in  
7 Japan on June 19. I carried out a complete visitation  
8 of our missionaries in Kyoto (Japan) and in Pyengyang  
9 (Korea). I wished to proceed to Fushun (Manchuria)  
10 for a similar visitation of our missionaries there, but  
11 I was informed by the local police in Korea that I would  
12 not be allowed to proceed to Manchuria. No reason was  
13 given for the prohibition. I returned to Kyoto (Japan)  
14 and had not been long there when I was sought out by  
15 Mr. Tadao IKAWA. Mr. IKAWA had been sent to Washington  
16 to take part in the peace agreement conversations, and  
17 had now concluded his mission and returned to Japan. He  
18 informed me that the peace proposals had encountered  
19 difficulties, but that there was still some hope of a  
20 successful termination. He asked me if I would lend  
21 my assistance in continuing the negotiations, particu-  
22 larly in the matter of helping to get messages to and  
23 from the State Department in Washington and to and from  
24 the American Embassy in Tokyo. On reflection I replied  
25 that I would do so to the extent I considered proper,



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22 larly in the matter of helping to get messages to and  
23 from the State Department in Washington and to and from  
24 the American Embassy in Tokyo. On reflection I replied  
25 that I would do so to the extent I considered proper,



1 if the American Embassy approved my doing so. This  
2 was in late August, 1941.

3 "On consulting Mr. Eugene Dooman at the  
4 American Embassy in Tokyo, I was advised that my  
5 cooperation in the capacity outlined might prove useful,  
6 and I understood that I was more or less encouraged to  
7 perform this little function of helping to transmit  
8 information when need arose. I understood also that  
9 Mr. Dooman consulted Mr. Grew, the Ambassador, about  
10 this procedure and obtained his approval for it.

11 "Mr. IKAWA and I then spent something like  
12 two months in facilitating the exchange of information  
13 and messages between the Japanese Government, on the  
14 one hand, and the United States Government as represent-  
15 ed by the State Department in Washington and the American  
16 Embassy in Tokyo, on the other. There were many mes-  
17 sages. All the messages for the State Department for-  
18 ward through my agency were sent by me by cablegram,  
19 under my own name and in plain English, but concealed  
20 under missionary phraseology, to Father Drought at  
21 Maryknoll, New York, for transmission to the officials  
22 of the State Department. All the messages for the  
23 American Embassy in Tokyo were taken to the Embassy  
24 personally by me and given to Mr. Eugene Dooman by word  
25 of mouth.

1 "During this period I lived partly at the  
2 Fujiya Hotel in Miyanoshita, and partly at the Beach  
3 Hotel in Kamakura, sometimes in the company of Mr.  
4 Tadao IKAWA and sometimes alone. Mr. IKAWA awakened  
5 me very early one morning in the hotel at Miyanoshita  
6 and said that he thought it would be safer if we changed  
7 our place of residence. He explained that some of the  
8 extremist elements might make trouble for us if we  
9 remained. I understood him to refer, not to the ordin-  
10 ary people but to the militaristic and pro-Nazi elements  
11 in the government or the army or both. I distinctly  
12 recall Mr. IKAWA's statement at this time to the effect  
13 that General MUTO was protecting our activities and  
14 would continue to do so to the best of his ability.  
15 However, he also said that it was not possible to safe-  
16 guard us against every possible eventuality, so we re-  
17 moved at once to Kamakura.

18 "At Kamakura I continued for another month to  
19 transmit messages in the manner already described. I  
20 did not see General MUTO during this period, nor again  
21 at any time...

22 "4. On October 14, 1941, I was asked by  
23 Mr. IKAWA if I would take another message from the  
24 Prime Minister (Prince KONOYE) to President Roosevelt  
25 in Washington. I said I would consider it. I went to

1 the American Embassy and consulted Mr. Eugene Dooman  
2 about the proposal. Mr. Dooman referred the matter  
3 to Mr. Grew, the Ambassador, and then advised me that  
4 the Embassy approved my taking the message. I then  
5 went to the Prime Minister's office, where I was given  
6 the message. Prince KONCYE recited his message to me  
7 in Japanese, and it was rendered into English for me  
8 on the spot by Mr. ITO (described to me as Secretary  
9 of the Cabinet Information Board), who was present  
10 at the interview. The message was a short statement  
11 that reaffirmed the desire of the Japanese Government  
12 to conclude the peace agreement. Its real intent, as  
13 I was given to understand by Mr. IKAWA and Mr. ITO,  
14 was to intimate that the pressure of events on the  
15 Japanese Government was such that it would not be  
16 able to negotiate much longer, but would have to reach  
17 an agreement very soon or not at all. I tried to make  
18 this clear in a memorandum which I later gave Mr. Hull,  
19 the Secretary of State.

20 "Mr. IKAWA then gave me a ticket on a Japanese  
21 plane that was to leave for Canton, China, the follow-  
22 ing day. He told me that the ticket had been secured  
23 for me by General MUTO. He also gave me a safe-conduct  
24 letter from General MUTO, written in Japanese script and  
25 signed with General MUTO's name. This letter is now in

1 the files at Maryknoll, New York. He also gave me a  
2 code name for General MUTO, to be used in case it should  
3 become necessary to refer to him in later messages.  
4 The code name was 'Flowers.'

5 "There is no doubt in my mind that the safe-  
6 conduct letter of General MUTO enabled me to proceed  
7 successfully from Tokyo to Hongkong, preparatory  
8 to reaching Washington with my message. I left  
9 Tokyo on October 15, 1941. When the plane arrived  
10 in Fukuoka, the officials there appeared bent on  
11 making me turn back, until I produced the letter of  
12 General MUTO. The same thing happened a few days  
13 later when I attempted to leave Canton, China, to  
14 go to Macao by boat and thence to Hongkong. The  
15 plane I had been on from Tokyo to Canton was filled  
16 with Japanese Army officers. It also stopped at Naha  
17 (overnight) and Formosa, but I do not recall if it  
18 was necessary to use General MUTO's letter at these  
19 places.

20 "While in Canton, I learned that a change  
21 had occurred in the Japanese cabinet and that Prince  
22 KONOYE had resigned. At the first opportunity I  
23 cabled Mr. IKAWA in Tokyo to ask if there had been  
24 any change in policy or attitude that would affect  
25 the validity of the message I was carrying. Mr. IKAWA

1 replied to me by a cable to Manila, in which he said  
2 that Flowers (General MUTO) gave assurance that there  
3 had been no change.

4 "I proceeded to Washington and delivered  
5 the message of Prince KONOYE to Secretary Hull on or  
6 about November 15, 1941."

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1 MR. COLE: I next offer in evidence defense  
2 document 2579A, the same being a photostatic copy of  
3 the letter of safe conduct referred to by Bishop Walsh.

4 ACTING PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Defense document 2579A  
6 will receive exhibit No. 3441A.

7 (Whereupon, the document above re-  
8 ferred to was marked defense exhibit No. 3441A  
9 and received in evidence.)

10 MR. COLE: I read this exhibit:

11 "Request. 14 October 1941.

12 "To all military and civil authorities concerned.

13 "Mr. Walsh, the American who bears this letter,  
14 is making a trip to Canton with a special mission. Any  
15 courtesy or consideration shown him will be greatly  
16 appreciated."

17 Signed: "MUTO, Akira (seal)."

18 I call as the next witness IWAKURO, Hideo.

19 MARSHAL OF THE COURT: Mr. President, the  
20 witness IWAKURO, Hideo is in Court. He has previously  
21 testified before this Tribunal.

22 ACTING PRESIDENT: You are reminded that you  
23 are still on your former oath.  
24  
25

1 H I D E O I W A K U R O, recalled as a witness on  
2 behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

## DIRECT EXAMINATION

5 BY MR. COLE:

6 Q Mr. Witness, will you please state your name  
7 and present address?  
8

9 A My name is IWAKURO, Hideo. My address, No. 789,  
10 Denenchofu, 2-Chome, Ota-ku, Tokyo.

11 MR. COLE: I ask that defense document 2589  
12 be shown the witness.

13 (Whereupon, a document was handed to  
14 the witness.)

15 Q Mr. Witness, I ask you if the document you  
16 hold is your affidavit, signed and sworn to by yourself?

17 A This is my sworn deposition to which I have  
18 affixed my signature and seal.

19 Q And are the matters contained therein true to  
20 the best of your knowledge and belief?

21 A What I have set forth therein is the truth.

22 MR. COLE: If the Court please, we offer  
23 defense document 2589 in evidence.

24 ACTING PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 2589 will

1 receive exhibit No. 3442.

2 (Whereupon, the document above re-  
3 ferred to was marked defense exhibit No. 3442  
4 and received in evidence.)

5 MR. COLF: Omitting the formal portions:

6 "I, IWAKURO, Hideo, live at No. 789, 2-Chome,  
7 Denenchofu, Ota-ward, Tokyo Metropolis, and am aged 50.

8 "My Career: I was appointed an infantry sub-  
9 lieutenant in December 1918; was appointed a staff officer  
10 of the Kwantung Army in July 1932; served at the Army  
11 General Staff Office from August 1936; was appointed  
12 the Chief of the Military Administration Section of the  
13 War Ministry in February 1939; was appointed colonel  
14 in March of the same year, and went over to America as  
15 the officer attached to the Military Affairs Bureau to  
16 assist Ambassador NOMURA. After returning to Japan in  
17 August of the same year, I served as the Commander of  
18 an infantry regiment and as the Chief of the IWAKURO  
19 Organ successively; was appointed Major General in  
20 March 1943 and then served as the Chief of the General  
21 Affairs Division of the Sumatra Military Administration  
22 Department and as the Chief of the Staff of the 28th Army  
23 successively. At the time of the termination of war,  
24 I was attached to the Army Munitions Department. As  
25 mentioned above, I held a post in the Military

1 Administration Section of the Military Affairs Bureau  
2 from August 1938 to March 1941, so I have a fair know-  
3 ledge of diplomatic matters, since external affairs as  
4 they affect the national defense are studied in this  
5 bureau.

6 "The Army's opinion on the foreign policies  
7 came from the national defense plan, of which the  
8 General Staff was in charge. Besides, the General  
9 Staff had the duty to collect and examine military  
10 information and diplomatic information connected with  
11 it, and supervised military attaches. Accordingly, the  
12 Army's opinion on diplomatic policies used to be initi-  
13 ated by the General Staff. The Military Affairs Bureau  
14 was to report the matters transferred from the General  
15 Staff to the War Minister and to negotiate with the  
16 Foreign Ministry according to the War Minister's  
17 intention. On the other hand, when any matter was pro-  
18 posed by the Foreign Ministry to the Military Affairs  
19 Bureau, the Military Affairs Bureau, after transferring  
20 it to the General Staff to ask for its opinion, obtained  
21 the Minister's decision on it and made a reply to the  
22 Foreign Office. Such being the case, only a few  
23 officers served at the Military Affairs Section of the  
24 Military Affairs Bureau in considering diplomatic  
25 affairs as they affected national defense."

The errata sheet carries over to paragraph F:

1       "On January 22, 1947, former Major General  
2 TANAKA, Ryukichi testified that the Military Affairs  
3 Bureau sustained a consistent policy aiming at the con-  
4 clusion of the Tri-Partite Pact and of construction of  
5 the Greater East Asia Co-Prosperity Sphere from the time  
6 of the ABE Cabinet. Regarding the attitude of the Army  
7 as to the Tri-Partite Pact it was remarkably different  
8 from the way in which TANAKA described it. And it is  
9 also groundless to say that the military authorities  
10 had established a policy as to the construction of the  
11 Greater East Asia Co-Prosperity Sphere.  
12

13       "4. On the attitude of Director of the  
14 Military Affairs Bureau, MUTO toward diplomatic problems:

15       "It was about the middle of October 1939 that  
16 Major General MUTO arrived at his post as the Director  
17 of the Military Affairs Bureau. I never heard from  
18 Director MUTO of the proposed Tri-Partite Alliance.

19       "About the settlement of the China Incident,  
20 however, he frequently gave his views. As he had been  
21 on the China front for two years, he was well aware of  
22 the extreme difficulty of settling the China Incident.  
23 He believed that it was urgent for Japan to settle the  
24 China Incident, and that, for that purpose, we should  
25 not only directly deal with Chiang Kai-shek instead of



1 taking such an attitude as saying 'Japan will have  
2 nothing to do with Chiang Kai-shek', but also make the  
3 greatest concessions in the terms of negotiations, so  
4 as to bring about peace between the two nations. He  
5 further insisted on avoiding a dispute with any third  
6 power.

7 "When the German forces won a victory over the  
8 British Army in Dunkirk in May, 1940, I discussed it  
9 with MUTO. He asserted himself, saying, 'Generally  
10 speaking, many Japanese overestimate Germany's strength.  
11 Nevertheless, the German Army will never be able to  
12 invade Great Britain across the Straits of Dover. The  
13 English are sure to rally mentally and materially through  
14 the assistance of America. It is to be anticipated as  
15 a matter of course that this war will be protracted.'

1 "On the attitude of Director of the Military  
2 Affairs Bureau MUTO toward the Japanese-American  
3 negotiations. ---

4 "I went over to America in March 1941 as an  
5 assistant of Ambassador NOMURA. It was because the  
6 Ambassador asked Vice-Minister of War ANAMI and Chief  
7 of the General Staff SUGIYAMA to send an assistant  
8 and on the recommendation of Director MUTO the Minister  
9 sent me.

10 "My main duty was to assist Ambassador NO-  
11 MURA at large. Prior to my visit to America I made  
12 arrangements with IKAWA, Tadao, with a view to  
13 restoring promptly the diplomatic relations between  
14 Japan and America. We proceeded with private nego-  
15 tiations on adjustment of the Japanese-American dip-  
16 lomatic relations with Maryknoll Bishop Walsh, Mr.  
17 Drought, Secretary-General of Maryknoll, and others  
18 in America. I, accordingly, prepared a program of  
19 formalizing the negotiations between the two coun-  
20 tries along this line. Prince KONOYE also expressed  
21 himself in favor of our negotiations. Mr. IKAWA and  
22 I, after going over to America, reported this plan to  
23 Ambassador NOMURA who readily agreed with us. So from  
24 then on the negotiations on adjusting the Japanese-  
25 American diplomatic relations were entered into in

1 line with this plan.

2 "On April 15, 1941 our tentative plan  
3 'Draft of the Understanding between Japan and  
4 America' was unofficially taken up by Ambassador NO-  
5 MURA and Secretary of State Hull and was reported by  
6 telegram from the Embassy at Washington to the Foreign  
7 Ministry. At the same time I wired War Minister  
8 TOJO urging him to give his support to our proposals.  
9 MUTO was very delighted at this, and sent me a tele-  
10 gram of thanks.

11 "Later, in August 1941, I was ordered home  
12 and returned to Japan. After returning home I was  
13 informed by Director of the Military Affairs Bureau  
14 MUTO that some of the staff of the Foreign Ministry  
15 were criticizing the presence of outsiders in con-  
16 nection with affairs of the Foreign Office, such as  
17 the efforts of Mr. IKAWA and myself in assisting  
18 Ambassador NOMURA, and that, accordingly, War Minister  
19 TOJO ordered me to return home in order to get rid  
20 of a possible obstacle to further negotiations.

21 "I made a report to the top officials of  
22 the War Ministry after I returned home. I was glad  
23 to find my efforts being appreciated beyond my ex-  
24 pectation. MUTO especially asked me in various ways  
25 about the forecast.

1 "When I answered, saying, 'According to  
2 my impression when I talked with Secretary of State  
3 Hull and Postmaster General Walker, there is a full  
4 possibility of bringing the negotiations to a suc-  
5 cess,' he was very delighted.

6 "After that I left the War Ministry to be  
7 appointed commander of an infantry regiment. My ac-  
8 quaintances in the Military Affairs Bureau and the  
9 General Staff Office informed me of the fact that  
10 MUTO had made an effort to the last to conclude the  
11 negotiations between Japan and America."

12 May I say, sir, that the telegram referred  
13 to in the third paragraph on page 4 is covered by the  
14 certificate 2860 which I mentioned this morning.

15 MR. LOPEZ: If the Tribunal please--

16 ACTING PRESIDENT: Mr. Lopez.

17 CROSS-EXAMINATION

18 BY MR. LOPEZ:

19 Q General, you were attached by the Military  
20 Affairs Bureau on the staff of Admiral NOMURA in  
21 Washington to represent the Army's viewpoint in the  
22 vital negotiations going on at that time?

23 A Yes.

24 Q Of course, the Navy side was well taken care  
25 of by the Admiral himself?

1           A    The naval side was, and the naval views were  
2 fully represented by Captain YOKOYAMA, Naval Attache  
3 in Washington.

4           Q    As a matter of fact you went to the United  
5 States in active military status in your army uniform?

6           A    Yes.

7           Q    When you arrived in Washington your title  
8 was Special Military Adviser to Admiral NOMURA, was  
9 it not?

10          A    Not as military adviser to the Ambassador,  
11 Admiral NOMURA, but my orders were to assist him  
12 generally.

13          Q    Were you not known by the United States State  
14 Department representatives as Special Military Adviser  
15 to Admiral NOMURA?

16          A    In what manner the United States Government  
17 understood my position I do not know.

18          Q    I refer to such representatives of the United  
19 States Department as Mr. Ballantine, Mr. Hamilton, and  
20 the Secretary of State, Mr. Hull, himself?

21          A    Yes, I know that these gentlemen placed great  
22 importance in me, but how they understood my status  
23 I do not know.

24          Q    But the fact of the matter was that during  
25 the negotiations in Washington when you were there you



1 were the No. 1 spokesman for the Japanese Government,  
2 were you not?

3 A Not the spokesman, but one of the several  
4 responsible for the initiation of Japanese-American  
5 negotiations.

6 Q But you carried the great part of the nego-  
7 tiations, you were carrying the ball, so to speak,  
8 most of the time when you were there?

9 A I was the actual author of the draft plan  
10 for an understanding. At the same time, when the  
11 negotiations were brought up to the Hull-NOMURA level,  
12 I accompanied Ambassador NOMURA in his negotiations  
13 and talks with Secretary Hull on several occasions.

14 Q On those several occasions Admiral NOMURA  
15 allowed you to give your views to Secretary Hull  
16 himself, is it not?

17 A At these conferences I was given the oppor-  
18 tunity to express freely of my own opinion.

19 Q And to show the great importance that you  
20 had in those negotiations, is it a fact that at one  
21 time Admiral NOMURA requested Under Secretary Wells  
22 whether you could see the President yourself?

23 A Well, I don't know of that fact at all. How-  
24 ever, the Attorney General, Mr. Frank Walker -- cor-  
25 rection: the Postmaster General Frank Walker had

1 said that I and IKAWA should meet Roosevelt, Presi-  
2 dent Roosevelt.

3 Q Just to refresh your memory, did not Amba-  
4 sador NOMURA make this request when you were about  
5 to leave for Japan sometime in July of 1941?

6 A No, I did not know that fact at all.

7 Q And as a matter of fact you yourself were  
8 conscious of your great importance when in a conver-  
9 sation with Mr. Ballantine of the United States State  
10 Department you dropped a hint whether it could be  
11 arranged that you meet the President yourself?

12 A I, myself, am conscious that I was engaged  
13 in a very important work, but I have no recollection  
14 whatsoever today that I ever expressed a desire to  
15 Mr. Ballantine that I wanted to see the President of  
16 the United States.

17 Q You said awhile ago that you expressed your  
18 views on the issues pending negotiations, were they  
19 your own views or the views of the Army which you  
20 represented?

21 A Generally speaking, the views that I ex-  
22 pressed were in accord with the general policy of  
23 the Army. But my own personal views were also in-  
24 cluded in my expressions at the conference -- at the  
25 talks, correction.

1 Q Were you being cued up from Tokyo what to  
2 say, what to do, in Washington?

3 A Not necessarily on minor matters. However,  
4 I did not receive any directions from the Army with  
5 respect to any particular matters. However, I knew  
6 that the official government viewpoints were wired  
7 by the Ministry for Foreign Affairs, and in those  
8 reports were included the Army's views also.

9 Q Did not the Army here through the War Minis-  
10 try send you instructions what to do?

11 A I have no recollection of receiving direct  
12 orders or instructions from the Army.

13 Q Particularly from your friend and superior,  
14 the Chief of the Military Affairs Bureau at that time,  
15 the defendant MUTO now, you didn't receive any instruc-  
16 tions from him?

17 A I have never received any instructions from  
18 him.

19 Q Were you not making any reports to him?

20 A As far as reports are concerned, I knew that  
21 if they were sent to the Foreign Office they would,  
22 as a matter of course, be referred to the Army.

23 Q But you are positive that you didn't send any  
24 report direct to Mr. MUTO, or General MUTO?

25 A Yes, I can say so.

1 Q Going back to the views expressed by you  
2 to the representatives of the United States Govern-  
3 ment, did you, or did you not, on June 4, 1941 have  
4 a conference with Secretary Hull, Mr. WAKASUGI,  
5 Mr. IKAWA, Mr. MATSUDAIRA, Mr. Hamilton and Mr. Bal-  
6 lantine?

7 A I do not recall the date, the 4th of June,  
8 but I do remember a conference.

9 Q And it was held at the Wardman Park Hotel  
10 at 3 o'clock in the afternoon?

11 A Probably, yes.

12 Q Is it not a fact that at that conference you  
13 explained that it was entirely incorrect to assume  
14 that the purpose of the understanding was to enable  
15 Japan to drift away from the Tripartite Pact, and that  
16 if the United States should become involved in the  
17 European war, and the circumstances such as would  
18 call for Japan to act under its interpretation of  
19 its obligations, Japan would feel obliged to dis-  
20 charge its obligations, much as Japan would regret  
21 taking up arms against the United States?

22 A Yes, I think I explained in such a manner  
23 probably.

24 MR. LOPEZ: May the witness be shown IPS  
25 document No. 3127?



1 Q Going back to the views expressed by you  
2 to the representatives of the United States Govern-  
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19 its obligations, Japan would feel obliged to dis-  
20 charge its obligations, much as Japan would regret  
21 taking up arms against the United States?

22 A Yes, I think I explained in such a manner  
23 probably.

24 MR. LOPEZ: May the witness be shown IPS  
25 document No. 3127?



1 May we withdraw the question for the time  
2 being?

3 Q General, you were pulled out from Washington  
4 after the entry of the Japanese troops into Indo-  
5 China in July of 1941, is it not?

6 A Well, I do not know the reason, but because  
7 the negotiations became somewhat difficult I wired  
8 back to Japan saying that I would like to report the  
9 details, and in reply to that telegram I was called  
10 back.

11 Q Was that the only reason why you were sent  
12 back from the United States to Japan?

13 A Well, I did not know the reason.

14 Q Is it not a fact that weeks previous to the  
15 actual entry of Japanese troops into Indo-China, rep-  
16 resentatives of the United States Government made  
17 representations to you and Admiral NOMURA that the  
18 United States Government had been receiving reports  
19 of Japanese intention to penetrate into Indo-China?

20 A I have no recollection at present of receiv-  
21 ing such news.

22 Q No, I am not referring to any news, I am re-  
23 ferring to representations made to you by officials  
24 of the State Department in Washington.

25 A I think there were representations, but I

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18 United States Government had been receiving reports  
19 of Japanese intention to penetrate into Indo-China?

20 A I have no recollection at present of receiv-  
21 ing such news.

22 Q No, I am not referring to any news, I am re-  
23 ferring to representations made to you by officials  
24 of the State Department in Washington.

25 A I think there were representations, but I

have no clear recollection of them.

1 Q And you were told, you and Admiral NOMURA,  
2 by Secretary Hull and Under Secretary Wells that  
3 this move into Indo-China is a demonstration on the  
4 part of Japan of lack of sincerity in really entering  
5 into peaceful negotiations about the Pacific conflict,  
6 is it not?  
7

8 A That may have been so, but I have no recol-  
9 lection now.

10 Q And because of the entry into Indo-China by  
11 Japanese troops, the President of the United States  
12 issued the freezing order, is it not?

13 A Yes, that is how I understand it.

14 Q And because of that entry, too, the whole  
15 negotiations were disrupted and broken, is it not?

16 A It met with great difficulties.

17 ACTING PRESIDENT: We will recess for fifteen  
18 minutes.

19 (Whereupon, at 1445, a recess was  
20 taken until 1500, after which the proceedings  
21 were resumed as follows:)  
22  
23  
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1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 ACTING PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: If the Tribunal please, may the  
5 witness be shown IPS document No. 3127?

6 (Whereupon, a document was handed  
7 to the witness.)

8 BY MR. LOPEZ (Continued):

9 Q Please tell the Tribunal what kind of  
10 stamp appears on the face of that document.

11 A Do you want me to read it?

12 Q Do you know what I mean by seal or stamp on  
13 the face of the document? Please do not read the  
14 contents of the document. I am asking you merely  
15 whether you know the seal on the cover of that docu-  
16 ment.

17 A I wouldn't know the meaning unless I read it.

18 Q I am asking you whether you know the seal  
19 that appears on the front cover of the document.

20 A There isn't any seal on this document.

21 Q The stamp on the front cover. Is there no  
22 stamp on the front cover?

23 A Yes.

24 Q Have you seen it already?

25 A Yes.



1 Q It is a secret seal, top secret seal, is it  
2 not?

3 A Yes.

4 Q And please read the first line after the  
5 secret seal, the telegram sent by the Chief of the  
6 Military Affairs Bureau to Colonel IYAKURO on the  
7 2d of June.

8 (Whereupon, the witness spoke in  
9 Japanese.)

10 MR. COLE: May I interrupt, sir?

11 ACTING PRESIDENT: Witness, wait a minute.  
12 Wait until he translates what the witness  
13 said.

14 THE INTERPRETER: The witness: From the  
15 Chief of the Military Affairs Bureau to Colonel  
16 IYAKURO. "1. According to the information which is  
17 reportedly given by President Roosevelt to the Repre-  
18 sentatives of Congress, in his 'fireside chats,' the  
19 aim of the President in adopting a new conciliatory  
20 policy towards Japan is the transfer of the Pacific  
21 Fleet to the Atlantic Ocean. According to the said  
22 explanation, the U. S. seems to be possessed of a  
23 specially strong wishful thinking in judging that  
24 Japan will refuse to perform her duty of attacking  
25 the United States under" -- interruption.



1                   ACTING PRESIDENT: Now, what is your objection

2                   MR. COLE: If the Tribunal please, I object  
3 to the document being read before it is offered and  
4 admitted in evidence. We haven't had a chance to  
5 look at it. We do not know what is in it, and it is  
6 being read now.

7                   ACTING PRESIDENT: Apparently, the answer  
8 goes far beyond the question.

9                   MR. LOPEZ: But, nevertheless, if the Tri-  
10 bunal please, the question was already answered by  
11 the witness voluntarily.

12                   ACTING PRESIDENT: But before he reads it  
13 the document should be admitted into evidence.

14                   MR. COLE: And if your Honor please, I  
15 request, too, that we may see an English copy to know  
16 what the document says.

17                   ACTING PRESIDENT: You will be given a copy  
18 at the proper time.

19 BY MR. LOPEZ (Continued):

20                   Q The Colonel IWAKURO mentioned in the docu-  
21 ment is you, isn't it?

22                   A Yes.

23                   Q And the Chief of the Military Affairs Bureau  
24 that sent you that cable is the defendant NUTO, is he  
25 not?

1 A Yes.

2 MR. LOPEZ: At this juncture, if the Tribunal  
3 please, we offer in evidence IPS document 3127.

4 ACTING PRESIDENT: The document is admitted  
5 on the usual terms.

6 CLERK OF THE COURT: Prosecution document  
7 3127 will receive exhibit No. 3443.

8 (Whereupon, the document above  
9 referred to was marked prosecution exhibit  
10 No. 3443 and received in evidence.)

11 MR. COLE: I have not seen an English trans-  
12 lation of this document, nor have we had an opportunity  
13 to look at the original. I can't base an objection  
14 without seeing one or the other.

15 ACTING PRESIDENT: This matter has been  
16 repeatedly gone over time and time again, and the  
17 holding has been that an official document of this  
18 kind can be introduced in evidence, and you are not  
19 entitled to see the contents of it until it is intro-  
20 duced in evidence.

21 MR. COLE: May I reserve an objection until  
22 after we have studied it?

23 ACTING PRESIDENT: Very well.

24 MR. LOPEZ: With the kind permission of the  
25 Tribunal I read the text of the document.

1 THE PRESIDENT: Wait until the Tribunal  
2 gets copies.

3 Proceed.

4 MR. LOPEZ: (Reading) "Strictly confidential.  
5 Telegram sent by Chief of Military Affairs Bureau to  
6 Colonel IWAKURO, 2 June.

7 "1. According to the information which is  
8 reportedly given by President Roosevelt to the Repre-  
9 sentatives of Congress, in his 'fireside chats,' the  
10 aim of the President in adopting a new conciliatory  
11 policy towards Japan is the transfer of the Pacific  
12 Fleet to the Atlantic Ocean. According to the said  
13 explanation, the U. S. seems to be possessed of a  
14 specially strong wishful thinking in judging that  
15 Japan will refuse to perform her duty of attacking the  
16 U. S. under the Tri-Partite Alliance even in case of  
17 the United States' entry into the war.  
18

19 "2. In his 'fireside chats' he concluded  
20 that the European war had already developed into a  
21 world war and openly stated that the patrolling of  
22 the United States had been greatly strengthened and  
23 that every possible effort should be made in insuring  
24 that goods necessary to England reach her safely.  
25 At the same time, he expressed words of praise re-  
garding Chiang Kai-shek for his continued resistance

1 against Japan and stated that he was convinced of  
2 the furtherance of his resisting power. All the  
3 above are against our wishes and this attitude should  
4 be carefully watched.

5 "3. Furthermore, you are presumably already  
6 aware of Foreign Minister MATSUOKA having sent an  
7 inquiry to Ambassador NOMURA regarding the report that  
8 according to the report of Halifax to Eden, Roosevelt  
9 insinuated that in regard to these negotiations,  
10 difference of views prevailed within the Japanese  
11 Government (which is quite contrary to facts.)

12 "4. Please furnish me promptly, for my own  
13 personal reference, with your frank opinion on the  
14 present negotiations as well as your forecast for  
15 the future based on the aforementioned items as well  
16 as the atmosphere in the subsequent negotiations."

17 With the reading of this document we close  
18 our cross-examination.

19 MR. COLE: I make no objection to the docu-  
20 ment.

21 May the witness be excused on the usual terms?

22 ACTING PRESIDENT: He is excused accordingly.

23 MR. COLE: I beg your pardon, sir. I want  
24 to ask one more question, if I may.  
25



## REDIRECT EXAMINATION

1 BY MR. COLE:

2 Q Mr. Witness, I want to clear up a confusion  
3 in regard to an answer which you gave upon cross-  
4 examination.  
5

6 If I understand your answer correctly, you  
7 said on being asked whether you were the representa-  
8 tive of the Military Affairs Bureau that you were  
9 such a representative. Is that strictly and completely  
10 correct?

11 A The Military Affairs Bureau had no authority  
12 to send anybody abroad, and so it was not in any posi-  
13 tion to send any official representative outside of  
14 Japan. And, therefore, in the strict sense of the  
15 term, I was not a representative.

16 MR. COLE: That is all.

17 May the witness be excused on the usual terms?

18 ACTING PRESIDENT: He is excused accordingly.

19 (Whereupon, the witness was excused.)

20 MR. COLE: I call as our next witness,  
21 YAMAMOTO, Kumaichi.  
22

23 - - -  
24  
25

1 K U M A I C H I Y A M A M O T O, recalled as a  
2 witness on behalf of the defense, having been  
3 previously sworn, testified through Japanese  
4 interpreters as follows:

5 ACTING PRESIDENT: You are reminded that  
6 you are still under your former oath.

7 DIRECT EXAMINATION

8 BY MR. COLE:

9 Q Mr. Witness, will you please state your  
10 name and present address?

11 A My name is YAMAMOTO, Kumaichi; my address,  
12 No. 9, Shimouma-cho, 3-chome, Setagaya-ku, Tokyo.

13 MR. COLE: I ask that the witness be shown  
14 defense document 2686.

15 (Whereupon, a document was handed to  
16 the witness.)

17 Q Mr. Witness, will you state whether the docu-  
18 ment you are holding is your affidavit, signed and sworn  
19 to by yourself?

20 A This is a sworn deposition prepared by me,  
21 and my signature and seal are affixed thereto.

22 Q Are the matters discussed therein true to the  
23 best of your knowledge and belief?

24 A Yes.

25 MR. COLE: I offer in evidence defense

document 2686.

1 MR. LOPEZ: If the Tribunal please, no objection  
2 except to the last sentence of paragraph 1, page 1, as  
3 being a conclusion; subparagraph 2 of paragraph 1  
4 because it refers exclusively to HOSHINO; and, like-  
5 wise, to the second and third sentences of subparagraph  
6 3 on page 2.

7 ACTING PRESIDENT: Would you repeat that last  
8 sentence again?

9 MR. LOPEZ: To the second and third sentences  
10 of subparagraph 3 on page 2.

11 ACTING PRESIDENT: There are only two sentences  
12 in the paragraph, that I can see.

13 MR. LOPEZ: Subparagraph 3 of paragraph 3,  
14 starting with the sentence, "They seemed to have had  
15 internal hardships..." until the words "...still deeply  
16 impressed on me," as being the conclusion and opinion  
17 of the witness.  
18

19 ACTING PRESIDENT: Is the HOSHINO referred  
20 to in subparagraph 2 of paragraph 1 one of the accused?

21 MR. COLE: Yes, that is right.

22 I will agree to omit the reading of those  
23 sentences objected to.

24 THE PRESIDENT: The affidavit will be admitted  
25 in evidence.

1 CLERK OF THE COURT: Defense document 2686  
2 will receive exhibit No. 3444.

3 (Whereupon, the document above  
4 referred to was marked defense exhibit  
5 No. 3444 and received in evidence.)

6 MR. COLE: I will read the exhibit, omitting  
7 the introduction.

8 "1. I was Chief of the Far Eastern Bureau of  
9 the Foreign Office since September 1940 and had con-  
10 currently held the post of Chief of the American  
11 Affairs Bureau since the last decade of October 1941.  
12 Consequently, I had kept in close touch with MUTO and  
13 OKA, Chiefs of the Military Affairs Bureaus of the  
14 Ministries of the Army and Navy, who had been concerned  
15 deeply with the negotiations between Japan and America.  
16 Not only that, I had had many chances, through the  
17 Liaison conferences between the government and the  
18 Imperial General Headquarters, to meet these two per-  
19 sons who were both secretaries of the conference, to  
20 which I usually presented myself as a sort of liaison  
21 secretary for the Foreign Office."

22 Skipping to paragraph numbered 2:

23 "2. I will explain further the duties of the  
24 secretary for the liaison conference between the govern-  
25 ment and the General Headquarters:



1 "The secretary took charge of the clerical  
2 work in the conference, namely, the preparation,  
3 explanation and adjustment of the draft as well as  
4 the collection of the materials concerned, etc.

5 "By preparation of the draft, I mean preparation  
6 for submitting the draft which had been studied and  
7 prepared by others on various matters which were deemed  
8 necessary to be submitted to the conference.

9 "The draft was not written by the secretary  
10 himself. It was to be written by the proper authori-  
11 ties in the government or the General Headquarters,  
12 respectively, through the ordinary business routine.  
13 For instance, the draft on military matters was to be  
14 done by the Ministry of the Army or Navy or by the  
15 Supreme Command, and that on diplomatic matters would  
16 be prepared by the Foreign Office, and those concerned  
17 with the resources and productions were done by the  
18 Planning Board. To collect and submit and distribute  
19 these drafts to the conference is what is meant by  
20 'preparation.'

21 "The adjustment of the draft means to adjust  
22 the proposed draft after various amendments, as there  
23 had usually been active exchange of opinions in the  
24 conference.  
25

"The decision of the conference was not made

1 by a simple majority. The discussion was continued  
2 until all views of the members present were completely  
3 agreed, and after that all the members present signed  
4 the draft decided upon.

5 "As I stated before, the secretary did not  
6 attend the conference as one of the members, but as  
7 a clerical official; so that neither HOSHINO, MUTO  
8 nor OKA had any right to express their opinions, to  
9 vote, nor had they the right to sign the document.

10 "3. Premier TOJO declared, at the beginning  
11 of the conference which was opened immediately after  
12 the formation of the TOJO Cabinet, that 'the new cabinet  
13 will reconsider the Japan-American negotiations entirely  
14 on a clean slate, freed from the decision on September  
15 6,' and since then careful studies were continued.  
16 In the meantime, MUTO, chief of the bureau, always  
17 wished the negotiations to reach a satisfactory agree-  
18 ment, and he had considerable anxiety in adjusting  
19 and softening the strong opinion of some military group  
20 which was too prone to be involved in the war.

21 "Especially in November 1941, on the prepara-  
22 tion of the A and B drafts which were submitted to  
23 America from Japan, a strong opinion was expressed from  
24 a certain group of the Supreme Command of the army.  
25 I heard from MUTO, however, that he succeeded with

1 difficulty in bringing about a modification of these  
2 strong opinions.

3 "In dealing with daily routine functions, MUTO  
4 as well as OKA had to get the approval from the Supreme  
5 Command, in addition to the consent of their senior  
6 officers."

7 Skipping to paragraph 4:

8 "4. The Japanese draft which was decided upon  
9 on November 5 was such that it was deemed to be most  
10 fair under the political, economic and military  
11 situation in Japan at the time, and, in Japan's view,  
12 it was a draft which conceded the utmost, so we had  
13 expected and heartily wished that the peace would be  
14 brought about by understanding and compromise on the  
15 part of America.

16 "In the middle part of November, when it was  
17 reported from Ambassador NOMURA that President Roosevelt  
18 proposed to offer his good offices between Japan and  
19 China, we recognized a ray of hope for the future and I,  
20 together with the two chiefs, was heartily glad and  
21 was busily engaged in making preparations in the event  
22 of an agreement's being concluded. The memory of this  
23 situation is still very clear in my mind.

24 "At that time, there had been a clear under-  
25 standing between the government and the Supreme Command

YAMAMOTO

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1 that if the Japan-American negotiations should be  
2 concluded, the emergency measures which had been taken  
3 would be cancelled and the situation would be restored  
4 to a normal condition. I remember it was in the  
5 middle of November that both chiefs of bureaus told  
6 me that although an instruction had already been issued  
7 to the dispatched troops, simultaneously with the  
8 conclusion of the negotiations, all emergency measures  
9 should be immediately stopped. They were making their  
10 best efforts in avoiding any fault in this respect,  
11 as this was a most difficult work to be smoothly carried  
12 through."

13 You may cross-examine.

14 MR. LOPEZ: If the Tribunal please.

15 CROSS-EXAMINATION

16 BY MR. LOPEZ:

17 Q You are the same YAMAMOTO, Chief of the  
18 American Bureau of the Foreign Office, who had constant  
19 telephonic conversations with KURUSU at Washington  
20 and you at Tokyo in October, November and December of  
21 1941?

22 A Yes.

23 Q You constantly gave instructions to Ambassador  
24 KURUSU by telephone, using codes, did you not?

25 A I have contacted Ambassador KURUSU via the



1 telephone. However, I recall that the telephonic  
2 conversation in which code was used occurred toward  
3 the end of November -- My recollection is that when  
4 code was used in a telephonic conversation, that was  
5 after the latter part of November.

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1 Q You were also sending instructions to  
2 Ambassador KURUSU and NOMURA by cable, secret cable?

3 A Instructions were not sent by me. They  
4 were sent by the Foreign Minister.

5 Q On November 28, 1941, didn't you send the  
6 following secret cable to NOMURA and KURUSU: "The  
7 United States has gone ahead and presented this  
8 humiliating proposal. This was quite unexpected and  
9 extremely regrettable. The Imperial Government can  
10 by no means use it as a basis for negotiations.  
11 Therefore, with a report of the views of the Imperial  
12 Government on this American proposal which I will send  
13 you in two or three days, the negotiations will be  
14 de facto ruptured. This is inevitable. However, I  
15 do not wish you to give the impression that the  
16 negotiations are broken. Merely say to them that  
17 you are waiting instructions and that, although the  
18 opinions of your government are not clear to you, to  
19 your own way of thinking, the Imperial Government  
20 has always made just claims and has borne great  
21 sacrifices for the sake of peace in the Pacific?"

22 A I have a recollection that a telegram to the  
23 same effect, in substance, was sent out toward the  
24 end of November.  
25

Q In your affidavit, Mr. YAMAMOTO, you state

1 that some time in the middle of November, 1941,  
2 you were heartened by a proposal on the part of  
3 President Roosevelt to mediate between China and  
4 Japan and that for that reason General MUTO, Admiral  
5 OKA and yourself prepared for plans about what the  
6 Government of Japan should do if the agreements  
7 were concluded successfully. Now, I ask you if  
8 Admiral OKA submitted or prepared any plans to you  
9 in that eventuality?

10 A I have no positive recollection of any --  
11 whether any concrete plan was submitted by Chief of  
12 the Naval Affairs Bureau OKA at that time. However,  
13 I heard -- I received information that various  
14 considerations were being given to the withdrawal --  
15 to the rescinding of any emergency measures in the  
16 event such an outcome was realized at that time.

17 Q How about General MUTO; did he prepare a  
18 plan or submit it to you?

19 A With regard to military matters, he was  
20 speaking of the same things as Admiral OKA was  
21 speaking about. And it is my recollection that he  
22 was constantly talking about the necessity of making  
23 preparations for the withdrawal of Japanese troops  
24 from China in the event an agreement was reached  
25 between Japan and China -- Japan and the United States.

1           Q   Therefore, we could say that there was  
2 perfect harmony of views between you from the  
3 Foreign Ministry, Admiral OKA from the Navy and  
4 General MUTO from the War Ministry at that time. I  
5 refer to the period after the receipt of the news  
6 about the President's proposal of mediation.

7           A   I cannot say that there was perfect agree-  
8 ment of views with regard to concrete measures. By  
9 the offer of mediation, there were prospects of a  
10 successful outcome of the negotiations between the  
11 United States and Japan, and there was perfect  
12 agreement of views and harmony among us three with  
13 regard to the necessity of making preparations with  
14 such prospects in view.

15           Q   And during that time MUTO expressed to you  
16 his views about the stationing and withdrawal of  
17 troops in China?

18           A   It was felt that immediately upon the  
19 consummation, a successful consummation of the  
20 negotiations between the two countries, the question  
21 of withdrawal of Japanese troops from China would  
22 immediately arise and there was perfect agreement in  
23 connection with the necessity of making concrete  
24 preparations for such a move.  
25

          Q   Mr. YAMAMOTO, you and I could save a lot of



1           Q   Therefore, we could say that there was  
2 perfect harmony of views between you from the  
3 Foreign Ministry, Admiral OKA from the Navy and  
4 General MUTO from the War Ministry at that time. I  
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19 consummation, a successful consummation of the  
20 negotiations between the two countries, the question  
21 of withdrawal of Japanese troops from China would  
22 immediately arise and there was perfect agreement in  
23 connection with the necessity of making concrete  
24 preparations for such a move.  
25

          Q   Mr. YAMAMOTO, you and I could save a lot of

1 time if you would only answer briefly and to the  
2 point my question.

3 I asked you if Mr. MUTO expressed to you  
4 his views or not?

5 A Yes, he expressed his views to me.

6 Q In writing or just verbally?

7 A At that time my recollection is that these  
8 views were expressed to me orally.

9 Q How about the question of oil; did MUTO express  
10 to you his views in writing or verbally?

11 A Yes, there were various talks from General  
12 MUTO in connection with the problem of petroleum  
13 after the submission of proposition "B" to the  
14 United States Government. In addition to what the  
15 Chief of the Military Affairs MUTO told me orally,  
16 my recollection is that around the middle of November  
17 he submitted to me, in writing as reference, what he  
18 said were the views of the General Staff Office  
19 regarding the question.

20 Q That proposal called for asking for six  
21 million tons of oil from the United States, did it  
22 not -- demanded?

23 A It was considered necessary to secure  
24 importation of oil to the amount of six million tons  
25 per annum, and in my recollection our desire was to

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1 secure this amount of petroleum upon the consummation  
2 and realization of proposal "B".  
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1           Q   Did not Mr. TOGO, as Foreign Minister,  
2   consider this proposal as exorbitant, above the  
3   normal, usual imports from the United States?

4           A   MUTO's plan was presented not as reflect-  
5   ing the views of the Army but as representing the  
6   views of a section of the General Staff office.  
7   At that time, I said that such an exorbitant amount  
8   was out of the question, but I accepted the written  
9   document for reference.

10          Q   Did not the proposal state that if the  
11   United States would not give that amount that Japan  
12   would wage war against the United States -- would  
13   commence military operations against the United  
14   States? I changed the phrase; instead of "wage war"  
15   "commence military operations."  
16

17          A   Well, I do not recall the exact words used,  
18   but as far as I remember rather strong terms, which  
19   sought to persuade the United States as much as  
20   possible to accept the requests of the Japanese  
21   Government, were used. When I presented this plan  
22   to the Foreign Minister, he showed -- he expressed  
23   anger and said that it was highly preposterous even  
24   to receive such a plan, and I was reprimanded for  
25   receiving it.

          Q   Is it not a fact, Mr. YAMAMOTO, that the



1 MUTO proposal called for military operations against  
2 the United States even in the eventuality the United  
3 States should agree to it, but if the United States  
4 would not deliver the six million tons of oil in  
5 equal amounts monthly, seven days from the time of  
6 the conclusion of the agreement Japan should under-  
7 take military operations against the United States?

8 A As I have said from the outset, this plan  
9 was not submitted as the proposal of General MUTO,  
10 and he gave it to me as reference, saying that there  
11 was a section in the General Staff office which  
12 held such views.

13 Q You will have ample opportunity to defend  
14 MUTO by other statements, but please answer my last  
15 question first.

16 THE MONITOR: Will you please repeat the  
17 question, Mr. Lopez?

18 Q I said, you will have ample opportunity to  
19 defend MUTO later, but please answer first my last  
20 question, whether there was a demand on the United  
21 States as I stated to you.

22 A As far as the United States was concerned,  
23 such a plan was not -- the demand such as was in-  
24 cluded in the plan was not submitted as it was.  
25 Later, after very careful consideration, instructions

1 MUTO proposal called for military operations against  
2 the United States even in the eventuality the United  
3 States should agree to it, but if the United States  
4 would not deliver the six million tons of oil in  
5 equal amounts monthly, seven days from the time of  
6 the conclusion of the agreement Japan should under-  
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17 question, Mr. Lopez?

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19 defend MUTO later, but please answer first my last  
20 question, whether there was a demand on the United  
21 States as I stated to you.

22 A As far as the United States was concerned,  
23 such a plan was not -- the demand such as was in-  
24 cluded in the plan was not submitted as it was.  
25 Later, after very careful consideration, instructions

1 were sent to request four million tons of oil, which  
2 figure was arrived at as a result of aggregating the  
3 average import volume in the past, the instructions  
4 being that this request should be submitted after  
5 the acceptance of proposal "B".

6 Q Was it not also true that you demanded --  
7 the MUTO proposal demanded from the United States  
8 that she ask the Netherlands Indies for four  
9 million tons of oil and if the Netherlands Indies  
10 would not comply with the delivery of that oil,  
11 troops would be sent to the Netherlands Indies?

12 A I think there was something to the effect  
13 that the next step would be necessary in the event  
14 this demand was not accepted.

15 Q Proposals "A" and "B" contained demands for  
16 oil from the United States and the Netherlands,  
17 didn't they?

18 A The point is this: that whether with  
19 respect to proposal "A" or to proposal "B", if one  
20 of the two proposals were accepted by the United  
21 States Government, Japan sought to have the United  
22 States export to Japan the required amount of  
23 materials -- raw materials, including petroleum, to  
24 the extent which can be described as follows: that  
25 is, restoring the situation to the situation which



1 were sent to request four million tons of oil, which  
2 figure was arrived at as a result of aggregating the  
3 average import volume in the past, the instructions  
4 being that this request should be submitted after  
5 the acceptance of proposal "B".

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7 the MUTO proposal demanded from the United States  
8 that she ask the Netherlands Indies for four  
9 million tons of oil and if the Netherlands Indies  
10 would not comply with the delivery of that oil,  
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14 this demand was not accepted.

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16 oil from the United States and the Netherlands,  
17 didn't they?

18 A The point is this: that whether with  
19 respect to proposal "A" or to proposal "B", if one  
20 of the two proposals were accepted by the United  
21 States Government, Japan sought to have the United  
22 States export to Japan the required amount of  
23 materials -- raw materials, including petroleum, to  
24 the extent which can be described as follows: that  
25 is, restoring the situation to the situation which

1 existed prior to the promulgation of the freezing  
2 order. However, the concrete or exact amount of  
3 raw materials, including oil, were not stipulated  
4 in either proposal "A" or proposal "B". It was  
5 the Japanese Government's intention to determine  
6 the amount of oil to be imported following the  
7 acceptance -- through negotiation following accept-  
8 ance by the United States of proposal "A" or  
9 proposal "B".

10 Q But, if the United States would not give  
11 you the full amount you wanted -- demanded, what  
12 would happen under the plan?

13 MR. COLE: If your Honor please, I object  
14 to this question as calling for a purely speculative  
15 answer.

16 ACTING PRESIDENT: Objection overruled.

17 A At that time, we did not have any idea --  
18 entertain any ideas of returning again to the situ-  
19 ation prevailing prior to the consummation of  
20 negotiations when we considered the question of the  
21 possibility of non-acceptance of the concrete  
22 particulars of the Japanese demand.

23 Q My question is very simple, Mr. YAMAMOTO.  
24 I will repeat it to you again, and please answer it  
25 directly. Under the MUTO plan, what would happen

1 if the United States would not accept your demand  
2 for four million tons of oil?

3 A It is my recollection that if the point  
4 sought in the proposal, which was handed over to me  
5 by MUTO, was not accepted, then we were to return  
6 to the situation prevailing prior to the consummation  
7 of the negotiations.

8 Q In plain, ordinary, common language of the  
9 street, what does it mean, stripped of its diplo-  
10 matic verbiage? What would happen under the MUTO  
11 plan?

12 A Then, I shall reply, prior to the success-  
13 ful consummation of the negotiations.

14 Q Which means attacking the United States by  
15 military operations, isn't that it?

16 A At that time, my understanding, that was  
17 not so.

18 Q Are you sure of that?

19 A I do not recall the phraseology used, but  
20 my understanding was that there would be no war breaking  
21 out merely because six million tons of oil were  
22 refused.

23 ACTING PRESIDENT: We will adjourn until  
24 nine-thirty tomorrow morning.

25 (Whereupon, at 1600, an adjournment

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was taken until Thursday, 13 November 1947,  
at 0930.)

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